

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1232 of 2016

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

The present Criminal Revision Case came to be filed under Sections 397 and 401 of Cr.P.C. challenging the docket order dated 09.07.2015 passed in CrI.M.P.No.504 of 2014 in M.C.No.251 of 2013 on the file of the Judge, Family Court, Ranga Reddy district at L.B.Nagar, wherein the trial Court awarded interim maintenance at Rs.15,000/- per month to respondent No.1 and Rs.10,000/- per month to respondent No.2 herein.

The facts in issue are as under:

The petitioner is the husband of respondent No.1 and father of respondent No.2 herein. Respondent Nos.1 and 2 herein filed an application under Section 125 Cr.P.C. claiming monthly maintenance of Rs.15,000/- and Rs.10,000/- respectively. Along with the main case they also filed CrI.M.P.No.504 of 2014 seeking interim maintenance. By an order dated 09.07.2015, the trial Court passed the following order:

“Petitioners present. Respondent not present. Counter not filed, costs not paid and no representation made for respondent. Hence, respondent is set *ex parte*. Hence, heard the petitioners. As there is no resistance from the respondent this petition is allowed directing the respondent to pay interim maintenance as claimed by the petitioners from the date of this petition till disposal of M.C.No.251 of 2013 and the same is payable by 10th of every month. Hence, petition is allowed.”

Challenging the same the petitioner-husband filed the present revision.

As seen from the record, the petitioner herein was directed to pay Rs.25,000/- per month towards maintenance without hearing him. It is the case of

the petitioner that the counsel whom he has engaged did not inform about the case as such he could not file the counter and could not appear before the trial Court. Due to his absence, the trial Court set him *ex parte* and passed the impugned order. He submits that he is resident of Bangalore and that grave prejudice would be caused to him if the *ex parte* order is not set aside.

Learned counsel for the respondents opposed the application stating that substantial amount is due by the petitioner and that respondent Nos.1 and 2 are put to great difficulty due to non-payment of maintenance.

Without going into the merits of the case; with a view to give an opportunity to the petitioner to contest the matter on merits and having regard to the facts and circumstances of the case, the order under challenge is *set aside*, directing the petitioner to pay the arrears at the rate of Rs.50,000/- within three (03) weeks from today, Rs.50,000/- within four (04) weeks from today and a further sum of Rs.50,000/- within two (02) weeks thereafter, in default, the petitioner shall pay

the maintenance as ordered by the trial Court. Further, the petitioner shall continue to pay maintenance @ Rs.15,000/- i.e. Rs.10,000/- to respondent No.1 and Rs.5,000/- to respondent No.2 on or before 5th of every succeeding month, till the disposal of M.C. The trial Court is directed to dispose of the M.C. as early as possible, preferably, within a period of three months from the date of receipt of a copy of the order.

With the above direction, the Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending, shall stand closed.

C. PRAVEEN KUMAR, J

18.04.2016
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