

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.524 OF 2015

ORDER:

This Criminal Revision Case is filed challenging the order, dated 20.1.2015, in CrI.M.P.No.151 of 2014 in M.C.No.43 of 2013 on the file of the Judge, Family Court – cum – IV Additional District and Sessions Judge, Vijayawada, Krishna District.

2. Respondent No.1 is the wife of the petitioner. She filed M.C.No.43 of 2013 before the trial Court seeking maintenance of Rs.15,000/- per month. The petitioner was set *ex parte* in said M.C. on 30.4.2013 and the M.C. was allowed in part on 17.6.2013 directing the petitioner herein to pay Rs.7,000/- per month to respondent No.1. He filed CrI.M.P.No.151 of 2014 before the trial Court to condone the delay of 282 days in filing petition to set aside the *ex parte* order, dated 17.6.2013, in the M.C. and the same was dismissed. Challenging the same, the present revision petition is filed.

3. Though notice was served on respondent No.1, she failed to appear before this Court.

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4. Heard and perused the material available on record.

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5. Having regard to the facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the Criminal Revision Case can be disposed of with the following directions:

The petitioner is directed to file a fresh application before the trial Court to condone the delay of 282 days along with an application to set aside the *ex parte* order passed in the said M.C. On such filing of the applications, the trial Court is directed to condone the delay and to restore the M.C. and also to issue notice to respondent No.1 herein and to conclude the trial and

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Date: 10.6.2016

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