

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order dated 18.02.2016 passed in M.C.No.11 of 2010 passed by the Court of the XV Additional District Judge, Ranga Reddy District, at L.B.Nagar, whereby the learned Judge directed the petitioner herein to pay the arrears of maintenance by the next date of hearing, i.e., 22.03.2016.

Heard and perused the material available on record.

This Court is of the view that the petitioner herein fails to appear before the Court below and as such, the Court below passed an *ex parte* order in favour of the respondents 1 and 2 herein. Aggrieved over the same, the petitioner filed the application to set aside the same and on that application, the Court below passed the order impugned in the present criminal revision case.

Learned counsel for the petitioner submits that the petitioner is unable to pay the entire arrears as ordered by the Court below because of his financial incapacity. He further submits that the petitioner has already deposited an amount of Rs.50,000/- (Rupees fifty thousand only) as per the directions of this Court and as such, prays this Court to set aside the docket order, dated 18.02.2016 passed in M.C.No.11 of 2010 and also direct the Court below to restore the M.C.No.11 of 2010 on its file for fresh disposal.

Considering the facts and circumstances of the case and also considering the fact that the petitioner has already deposited an amount of Rs.50,000/-, the criminal revision case is disposed of with a direction to the Court below to restore M.C.No.11 of 2010 on its file and dispose of the same in accordance with law as early as possible, preferably within a period of six months after hearing both the parties, without being influenced by this order. It is made clear that the respondents

1 and 2 herein are entitled to withdraw the amount of Rs.50,000/- (Rupees fifty thousand only), which is deposited by the petitioner herein and further, the petitioner is directed to pay an amount of Rs.4,000/- (Rupees four thousand only) per month as monthly maintenance to the respondents 1 and 2 herein.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

09.06.2016

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