

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2164 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 06-05-2016 in CrI.M.P.No.2233 of 2016 in M.C.No.3 of 2016 on the file of the Additional Junior Civil Judge, Ponnur.

2. Heard the learned counsel for the petitioners. No representation on behalf of the 1st respondent.

3. A perusal of the record reveals that the petitioners herein filed the above M.C. against the 1st respondent herein under Section 125 Cr.P.C. claiming maintenance. During the pendency of the above M.C., the petitioners herein filed the above CrI.M.P. claiming interim maintenance. The trial Court dismissed the said petition on the ground that the M.C. was filed on 27-01-2016, whereas CrI.M.P. was filed on 28-03-2016. Mere delay in filing the interim maintenance application by itself is not a ground to dismiss the same. In maintenance cases, the approach of the Court shall be pragmatic, but not pedantic.

4. Having regard to the facts and circumstances of the case, the order passed by the trial Court is not sustainable either in law or on facts.

5. Accordingly, the Criminal Revision Case is allowed setting aside the order, dated 06-05-2016 in CrI.M.P.No.2233 of 2016 in M.C.No.3 of 2016 on the file of the Additional Junior Civil Judge, Ponnur and consequently, CrI.M.P.No.2233 of 2016 is restored to its original file. The trial Court is directed to dispose of the above CrI.M.P. on merits within a period of one month from the date of receipt

of a copy of this order. Miscellaneous petitions, if any pending, in this revision shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 24-11-2016.

Hsd

