

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1419 of 2016

ORDER

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The present criminal revision case is directed against the order dated 02.03.2016 passed in I.A.No.605 of 2015 in FCOP No.125 of 2012 on the file of VI Additional District Judge, Nellore.

2. Heard and perused the material on record.

3. In FCOP.No.125 of 2012, the first and second respondents being the wife and son of petitioner were granted maintenance @ Rs.40,000/- per month and also Rs.15,000/- towards litigation expenses, by an *ex parte* order dated 18.01.2013. Seeking to set aside the said *ex parte* order, the petitioner herein filed the impugned application. By the order impugned, the trial Court set aside the *ex parte* order dated 18.01.2013, on condition that the petitioner shall pay interim maintenance of Rs.10,000/-per month to the first and second respondents from the date of filing of petition i.e., 16.04.2013. Challenging the same, the present revision is filed.

4. The relationship between the parties is not in dispute. The trial Court, after taking the various circumstances into consideration, granted the said interim maintenance to the first and second respondents. Apparently, the order impugned is an interim in nature. Therefore, without expressing any opinion on merits of the matter, the trial Court is directed to dispose of FCOP No.125 of 2012 within a period of six months from the date of receipt of a

copy of this order. Till such time, the petitioner is directed to pay a sum of Rs.5,000/- per month to the first and second respondents towards interim maintenance on or before 10th of every succeeding month. The petitioner is further directed to pay the arrears, if any, to the first and second respondents calculating at the rate fixed by this Court in six equal monthly installments commencing from the month of July, 2016. The payments, if any made, have to be adjusted accordingly. The trial Court shall dispose of the said FCOP, on merits without being influenced by the observations of this Court.

5. With the above said modification of the impugned order, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending in this revision, shall stand closed.

JUSTICE RAJA ELANGO

10th June, 2016

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