

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1557 OF 2016

ORDER:

This Criminal Revision Case is filed challenging the order, dated 14.5.2016, in CrI.M.P.No.48 of 2016 in M.C.No.269 of 2012 on the file of the XVI Additional District and Sessions Judge – cum – XVI Additional Metropolitan Sessions Judge – cum - III Additional Family Judge at Malkajgiri, Ranga Reddy District.

2. Respondent No.2 is the wife of the petitioner. She filed M.C.No.269 of 2012 before the trial Court seeking maintenance of Rs.30,000/- per month on the allegation that the petitioner herein is her husband and he neglected to maintain her. The petitioner filed CrI.M.P.No.48 of 2016 before the trial Court to reject M.C.No.269 of 2012 and the same was dismissed with costs on the ground that the said M.C. is not maintainable as there is no cause of action. Challenging the same, the present revision petition is filed.

3. After arguing for sometime, learned counsel for the petitioner prayed this Court to direct the trial Court to decide the relationship between the petitioner and respondent No.2 first and thereafter, to decide the issue as to whether respondent No.2 is entitled for maintenance from the petitioner or not and also to dispose of the M.C. as expeditiously as possible.

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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, this Court is of the view that such directions are necessarily to be issued in a petition filed under Section 125 Cr.P.C. The first point to be decided by the trial Court is the relationship between the petitioner and respondent No.2. After deciding the issue with regard to the relationship between the parties, the desertion of respondent No.2 by

the petitioner and his capability of maintaining himself and others shall be decided by the trial Court. Hence, this Court is of the view that the trial Court can very well decide the issues only after examination of the witnesses.

6. Accordingly, the Criminal Revision Case is disposed of directing the trial Court to decide the aforementioned issues and dispose of the M.C. as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is permitted to file an extensive counter to the M.C. filed by respondent No.2.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

20.6.2016

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