

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9336 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 03.08.2017 passed in Cr.M.P.No.56 of 2017 in M.C.No.6 of 2015 by the Judge, Family Court – cum – Additional Sessions Judge, Mahabubnagar, whereby the petition filed under Order XVI Rule 7 of Code of Civil Procedure (for short "C.P.C.") was dismissed.

The said Cr.M.P.No.56 of 2017 was filed under order XVI Rule 7 of C.P.C. to call for the following witnesses along with the documents to give evidence, as the petitioner in the main petition disputing the relationship between himself and the respondent.

- (1) The concerned officer issued Aadhar No.514020956557, dated 08.01.2013 and 27.04.2016, Unique Identification Authority of India.
- (2) The Tahsildar Narwa Mandal, Mahabubnagar, issued National Food Security Card, Government of Telangana, Card No.GR030563413771 and Old Rational Card No.143301700021 and new Ration Card No.365380607783 to Vadde Subhadramma of Patharched Village, Narva, Mahabubnagar District.
- (3) The MPDO, MPP, Narwa Mandal, Mahabubnagar District, issued Aasara Pension (Widow) in Patharched village to Vadde Subhadramma, from December, 2014.
- (4) The Assistant Project Manager, DRDA-IKP, Mahabubnagar issued loan to Vadde Subhadramma, Patherched Village, Narwa Mandal, Mahabubnagar District, certificate of policy

claim search centre, Regd.No.2195 Member ID
011433080008010103208, LICID 6324385.

The proceedings pending before the Judge, Family Court are filed under Section 125 of Cr.P.C. But, curiously the Court entertained a petition filed under Order XVI Rule 7 of C.P.C. to summon the witnesses. Though the petitioner filed such petition, entertaining such petition and passing an order by the Officer, in the cadre of District Judge, is un-understandable. The order is passed in a petition filed under Order XVI Rule 7 of C.P.C. in Section 125 of Cr.P.C. proceedings for grant of maintenance, such order cannot be challenged invoking jurisdiction of this Court under Section 482 of Cr.P.C. Moreover, filing of petition under Order XVI Rule 7 of C.P.C. in a petition filed under Section 125 of Cr.P.C. is misconceived, since the provisions of Code of Civil Procedure are not applicable to the proceedings under Section 125 of Cr.P.C. for grant of maintenance.

Therefore, I find no merit in the present petition as it is devoid of merits. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed. No costs. However, liberty is given to the petitioner to file appropriate application.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

04.12.2017
Ksp