

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.58 of 2017

ORDER:

The revision petitioner is the respondent in M.C.No.16 of 2014 on the file of XV Additional District Judge, Ranga Reddy District at L.B. Nagar presently on the file of Additional Family Court Judge at Kukatpally.

The maintenance case is filed by the wife and minor daughter of the revision petitioner, who are revision respondents 1 and 2. Their claim is that he was drawing a salary of Rs.1,75,000/- as software engineer and they are unable to maintain and in dire need of awarding maintenance. He was set exparte under Section 126 Cr.P.C. and the exparte order granting maintenance at Rs.15,000/- per month to wife and Rs.10,000/- per month to the minor daughter was passed by the impugned order of the lower Court on 28.01.2016. CrI.M.P.No.51 of 2016 already filed by him in the disposed case to set aside the exparte maintenance order supra, which is stated still pending. The present revision is against the main maintenance case exparte order. As petition to set aside the exparte order is pending before the lower Court referred supra, this Court feels just instead to go into merits against the maintenance awarded as final disposal by invoking the inherent power under Section 482 Cr.P.C. to call for and dispose of the CrI.M.P.No.51 of 2016 by allowing the same setting aside the exparte maintenance order dated 28.01.2016, however by granting interim maintenance as ordered of Rs.15,000/- per month to wife and Rs.10,000/- per month to the minor daughter and to pay all arrears in 3 equal installments from

the date of receipt of the order. If he fails to pay the above as interim maintenance within the stipulated time supra, the lower Court shall permit its execution/enforcement for recovery as regular maintenance arrears due for recovery.

Accordingly and subject to the above, Crl.M.P.No.51 of 2016 pending before the lower Court is disposed of by withdrawing the same along with the impugned exparte maintenance order by allowing the criminal revision case to that extent. Whatever the amount so far deposited and to be deposited in the Court if not directly paid to the revision respondents i.e., wife and minor daughter, they are entitled to withdraw without furnishing any security.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 17.01.2017
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