

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.14466 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Counsel for the fifth respondent.

This Writ Petition is filed challenging the order passed in CrI.M.P.No.2221 of 2016 in D.V.C.No.113 of 2016, dated 22.12.2016, passed by the learned I Additional Judicial First Class Magistrate, Kothagudem, on the application filed by respondent No.3.

Learned Magistrate passed an order on 22.12.2016 under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005, asking the petitioner herein to pay an amount of Rs.8,000/- per month to the third respondent herein and Rs.5,000/- to her minor son totaling to an amount of Rs.13,000/- towards interim maintenance from the date of the said order.

Learned Counsel for the petitioner submits that the aforesaid order was passed without hearing the petitioner and while issuing a notice for appearance by posting the case to 27.01.2017.

A reading of the order discloses that it is only an interim order and the petitioner is entitled to present his case before the

authority and after hearing the petitioner, the learned Magistrate would pass final orders.

In the circumstances, liberty is given to the petitioner to approach the learned I Additional Judicial First Class Magistrate, Kothagudem, before whom D.V.C.No.113 of 2016 is pending for presenting his case and for passing appropriate orders on the submissions made by the petitioner.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

21.04.2017
vs



(A.RAMALINGESWARA RAO, J)