

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.806 of 2017

ORDER :

Aggrieved by the order dated 31.01.2017 in CrI.MP No.5809 of 2016 in M.C.No.35 of 2015 passed by the Additional Junior Civil Judge, Ponnur, this revision is filed by the petitioner/ husband.

2. Heard before admission.
3. Respondent No.2/ wife herein filed the said M.C. under Section 126(2) Cr.P.C. seeking maintenance of Rs.25,000/- p.m and the lower Court vide its ex parte order dated 12.01.2016 granted maintenance of Rs.3,000/- p.m. Subsequently, CrI.MP No.5809 of 2016 is filed by the husband under Section 126(2) Cr.P.C. to set aside the said ex parte order. Since the same was ended in dismissal, present revision is maintained.
4. Perused the impugned order. It shows that the notice sent to the revision petitioner/ husband herein was returned unserved as not claimed and the lower Court is right in passing the impugned order. However, to sub-serve the ends of justice, it is just to set aside the impugned order, by

affording an opportunity to the revision petitioner/ husband herein.

5. Accordingly, the Criminal Revision Case is allowed setting aside the dismissal order dated 31.01.2017 in CrI.MP No.5809 of 2016 in M.C.No.35 of 2015 passed by the Additional Junior Civil Judge, Ponnur. The revision petitioner as M.C. respondent is permitted to file counter, within one week from the date of receipt of copy of this order and participate in the contest. It is needless to say, mean time, what is the amount of maintenance ordered as per the ex parte order, is to be payable by the revision petitioner/ husband to the 2nd respondent/ wife herein, as interim maintenance, for ultimate adjustment subject to the final result of the said M.C.

6. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:27-03-2017
pab

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.806 of 2017

DATE: 27.03.2017



pab