

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1584 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity), is filed by the petitioner, having been partly aggrieved of the docket order, dated 19.05.2017, of the learned Judge, Family Court-cum-IV Additional District Judge, Vijayawada, passed in CrI.M.P.No.26 of 2017 in M.C.No.267 of 2016.

2. At the stage of admission, I have heard the submissions of the learned counsel for the petitioner. I have perused the material record.

3. The facts of the case, which lie in a narrow compass, in brief, are as follows:-

The respondents 1 to 3 herein, who are the wife and children of the petitioner herein, obtained an *ex parte* order of maintenance, whereby, the petitioner was directed to pay maintenance @ Rs.5,000/- per month to the first respondent and @ Rs.5,000/- per month each to respondents 2 and 3 till they attain their respective ages of majority. Since the said order is an *ex parte* order, the petitioner herein filed the aforesaid miscellaneous petition before the Court below to set aside the *ex parte* order. While setting aside the *ex parte* order, dated 08.12.2016, passed in the M.C., the Court below imposed a condition that the petitioner shall pay maintenance of Rs.2,000/- per month to the first respondent and Rs.1,500/- per month each to the respondents 2 and 3 and further directed to pay the entire arrears, however, @ Rs.5,000/- per month, by

28.06.2017. Aggrieved of the said condition imposed in the impugned order, the present Criminal Revision Case is filed.

4. The learned counsel for the petitioner would submit that the petitioner is a daily wager and that he survives on his daily wage and that he is not in a position to pay the huge sum of arrears. He, therefore, seeks modification of the condition imposed in the impugned order insofar as deposit of arrears of maintenance. He fairly submits that the petitioner is prepared to pay arrears of maintenance from the date of the order in the Maintenance Case, which would roughly work out to Rs.30,000/-.

5. Having regard to the facts and submissions, this Court is of the considered view that this Criminal Revision Case can be disposed of at the stage of admission with appropriate directions.

6. In the result, the Criminal Revision Case is allowed in part and the order impugned in this revision is modified as follows:-

Crl.M.P.No.26 of 2017 on the file of the Court below shall stand allowed subject to the following conditions:-

- (i) The petitioner herein shall pay monthly maintenance @ Rs.2,000/- (Rupees two thousand only) to the first respondent herein and @ Rs.1,500/- (Rupees one thousand five hundred only) each to the respondents 2 and 3, regularly and without fail.
- (ii) The petitioner shall also deposit to the credit of M.C.No.267 of 2016 on the file of the Court below, Rs.30,000/- (Rupees Thirty Thousands Only) out of the arrears within a period of four (04) weeks from today.

On compliance of the condition regarding deposit of Rs.30,000/- by the petitioner as directed *supra*, the trial Court shall take up the Maintenance Case for disposal on merits and in accordance with the procedure established by law and shall dispose of the same as expeditiously as possible and preferably within a period of three (03) months from the date of receipt of a copy of this order. On the petitioner herein depositing the arrears as directed *supra*, the petitioners are at liberty to withdraw the same by following the procedure established by law.

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

16th June, 2017

Note:-

Furnish C.C. by 27.06.2017.

(B/O)

Bvv.

M.Seetharama Murthi, J

