

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.476 of 2017

ORDER :

Aggrieved by the order dated 14.02.2016 in M.C.No.36 of 2015 passed by the Judge, Family Court-cum-VI Additional District Judge, Kadapa, this revision is filed by the petitioner/ husband.

2. Heard and perused the material on record.
3. Except the self-serving testimony, no scrap of paper filed showing either revision petitioner is working as Compressor Operator in Granual Company at Hyderabad with salary of Rs.25,000/- p.m., or having another manufacturing unit of plastic material and getting income of Rs.50,000/- p.m. additionally, to conclude there from by the trial Court to award Rs.25,000/- p.m. as maintenance to respondents 2 and 3 herein, who are wife and daughter of the revision petitioner.
4. In the course of revision, it is the submission that the revision petitioner has neither any manufacturing unit nor working as Compressor Operator but working in Vishnu Plastic Moulding Works, Ranga Reddy Nagar, Shapur Nagar, Quthbullapur Mandal, Ranga Reddy District with claim of his gross salary is Rs.9,600/- p.m. and respondent No.2 herein is earning by running a tailor shop, sufficiently.

5. A perusal of the impugned order of the lower Court shows at one breadth that the revision petitioner is appeared and at the other breadth he was set ex parte and it is not even clear for his absence or non-filing of counter, he was set ex parte.

6. Having regard to the above, this Court feels it just to afford opportunity to revision petitioner to cross examine PW.1 to test the veracity of her evidence and also to participate in enquiry to adduce further evidence by both parties for disposal of M.C. on merits and in the meantime to award interim maintenance at Rs.4,000/- p.m. to respondents 2 and 3 herein each.

7. Accordingly, the Criminal Revision Case is allowed setting aside the impugned order dated 14.02.2016 in M.C.No.36 of 2015 passed by the Judge, Family Court-cum-VI Additional District Judge, Kadapa, by restoring the case to file and by permitting the revision petitioner to file counter within one week from the date of receipt of copy of this order and participate in enquiry to adduce evidence by both parties and to decide the case on merits. Meantime, the revision petitioner is directed to pay at Rs.4,000/- p.m. to respondents 2 and 3 herein each from date of filing M.C.No.36 of 2015 within two months from today.

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

Dr. B. SIVA SANKARA RAO, J

Date:14-03-2017  
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