

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.252 of 2017

ORDER :

Aggrieved by the dismissal order dated 04.01.2017 in CrI.M.P.No.131 of 2016 in un-numbered CrI.R.P...of 2016 in M.C.No.44 of 2013 passed by the Principal Sessions Judge, Khammam, this Criminal Revision is filed by the petitioner/ husband.

Heard the learned counsel for the petitioner. Notice sent to respondent No.1 returned as refused, is a sufficient service.

Perused the impugned order of the lower Court, in entertaining the un-numbered revision with delay condonation of 120 days. In the affidavit filed in support of the said petition, the reasons assigned for the delay are that the petitioner came to know about the ex parte maintenance order only on 16.11.2015 through his drawing officer and also on receiving execution order of salary attachment on 19.12.2015 and thereafter obtained certified copy and cause filed the revision with delay condonation.

Since the cause explained by the revision petitioner is a sufficient cause, from the pragmatic approach required, the lower Court ought to have allowed the said application but for on costs.

Having regard to the above, the Criminal Revision Case is allowed by setting aside the impugned order and CrI.MP.No.131 of 2016 is allowed, subject to payment of costs of Rs.5,000/- (Rupees Five thousand only) to respondent No.1 by Money Order and file proof before the lower Court within one month from the date of receipt of copy of this order. However, it is made clear that if the Money Order is returned as refused and not honoured, the said amount to be deposited before the trial Court and file proof before the lower appellate Court, to number the revision on such filing of proof if otherwise in order.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:10-03-2017
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Dr. B. SIVA SANKARA RAO, J

