

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL REVISION CASE No.2466 of 2014

ORDER:

Heard both the counsel.

The present Criminal Revision Case is filed challenging the orders passed in M.C.No136 of 2009 dated 23.12.2013 on the file of the Family Court-cum- IV Additional District and Sessions Judge, Vijayawada, awarding a sum of Rs.1500/- each per month to the petitioners 1 and 2 herein towards maintenance.

The facts in brief are that the petitioners herein filed M.C.No.136 of 2009 on the file of the Family Court-cum-IV Additional District and Sessions Judge, Vijayawada, claiming a sum of Rs.1500/- each per month towards maintenance against the first respondent.

The first respondent remained *exparte*. The 1st petitioner examined herself as PW.1. Based on the evidence brought before the learned Family Judge and in view of the fact that there is no challenge to the evidence produced by her, the learned Family Judge, by order dated 23.12.2013 directed the first respondent to pay Rs.1500/- each per month to the petitioners towards maintenance from the date of the order i.e. 23.12.2013. However, as far as 2nd petitioner is concerned, maintenance was directed to be paid till he attains majority. Aggrieved by the said orders, the petitioners in the maintenance case filed the present criminal revision case.

Learned counsel appearing for the petitioners basically contended that the learned Family Judge ought to have awarded

maintenance from the date of the petition instead of date of the order.

On the last occasion, after hearing the learned counsel for the petitioner in part, directed him to produce the copy of the deposition of the 1st petitioner. However, no such deposition copy is produced before this Court.

From the perusal of the material on record, it is revealed that since the first respondent was set *ex parte*, the learned Family Judge passed order directing the first respondent to pay family maintenance at Rs.1500/- each. However, no reasons have been mentioned for not granting the maintenance from the date of the petition. In fact, maintenance case was filed in the year 2009 and the orders were passed on 23.12.2013. Nearly four years have been lapsed from the date of filing of the maintenance case till the date of the order. However, when the counsel was directed to produce copy of the deposition, the same was not placed before this Court enabling this Court to look into the evidence as to whether any foundation has been laid with reasons for grant of maintenance from the date of the petition. In the absence of the same, this Court is not able to decide the issue raised by the counsel for the petitioners. Thus, there are no merits in the criminal revision case.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.KESHAVA RAO

Date: 04/09/2018

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