

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.2148 OF 2010

ORDER:

Heard the learned counsel for the petitioner as well as the respondent No.2.

The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.555 of 2010 in U/R CR.R.P., dated 08.10.2010 on the file of the Court of Sessions Judge at Karimnagar, dismissing the petition filed to condone the delay of 531 days in filing the Revision.

The facts, in brief, are that the second respondent herein filed M.C.No.10 of 2005 against the petitioner claiming a sum of Rs.3,000/- per month towards maintenance on the file of the Court of Judicial Magistrate of First Class, Manthani, Karimnagar District. The said M.C. was partly allowed by orders, dated 14.08.2008 directing the petitioner herein to pay a sum of Rs.1,500/- per month towards maintenance to the second respondent herein from the date of the petition.

Aggrieved by the said orders, the petitioner herein filed Cr.R.P. on the file of the Court of Sessions Judge at Karimnagar. Since there is a delay of 531 days in filing the said revision, he filed CrI.M.P.No.555 of 2010 to condone the said delay. The learned Sessions Judge, after appreciating the facts brought before the Court, categorically held that the petitioner herein failed to explain the inordinate delay of 531 days in filing the said revision and

thereby dismissed the said petition by orders dated 08.10.2010. Aggrieved by the same, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner would contend that the learned Sessions Judge erred in dismissing the petition without considering the delay explained by the petitioner in proper perspective. He also submitted that the learned Sessions Judge ought to have seen that there are merits in the case and therefore, the delay would have been condoned.

Per contra, the learned counsel appearing for the second respondent supported the impugned orders and submitted that in the absence of giving any specific reasons, the learned Sessions Judge is justified in dismissing the petition.

Having heard both the counsel and from the perusal of the material on record, it is revealed that the petitioner herein had knowledge about the passing of the orders against him in the above said M.C. In fact, he also stated that the second respondent filed CrI.M.P.No.111 of 2009 seeking enforcement of the order of maintenance where a notice was served upon him and in pursuance of which, he entered into appearance and filed counter and contested the said claim. In the said petition, the Court below passed an order of attachment on 02.05.2010 against him. Thereafter the petitioner realised that a revision has to be filed against the orders passed in the main M.C. The said conduct of the petitioner in filing the said revision petition before the Court below with an inordinate delay of 531 days, is not properly explained and it is not a justifiable ground more so, when the petitioner is well aware of passing of the order and also filing of a

petition for enforcement of the orders. On these grounds, this Court is of the opinion that there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand closed.

P.KESHA VA RAO,J

14th AUGUST 2018.
Tsr

