

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1734 OF 2010

ORDER:

There is no representation for the petitioner.

The present Criminal Revision Case is filed questioning the orders passed in M.C.No.18 of 2010 dated 15.6.2010 on the file of Family Court-cum-IV Additional District and Sessions Court, Vijayawada, awarding a sum of Rs.25,000/- p.m. towards maintenance of respondent No.1 herein.

The facts in brief are that respondent No.1 is the legally wedded wife of the petitioner. Their marriage was performed on 24.2.2008. After marriage, they lived happily for some time at Vijayawada. Thereafter, the petitioner never shown any interest to lead a marital life with her. The petitioner used to abuse her in filthy language and demanded additional dowry from respondent No.1. Unable to bear the harassment of the petitioner and his family members, respondent No.1 gave a complaint and the same was pending on the date of passing of the orders in the maintenance case. The petitioner also filed O.P.No.77 of 2009 against her for dissolution of the marriage. The respondent No.1, in those circumstances, was constrained to file the maintenance case since there was no independent source of income to maintain herself. Respondent No.1 has

categorically stated that the petitioner was working as a Senior Piping Engineer in Spain and getting Rs.1,00,000/- p.m. The petitioner is also having a own house.

Though notice was taken to the petitioner through a substituted service, he has not chosen to appear. In those circumstances, learned Judge, Family Court, was pleased to consider the case of respondent No.1 and by order dated 15.6.2010, directed the petitioner to pay an amount of Rs.25,000/- p.m. towards maintenance. Aggrieved by the said order, the present Criminal Revision Case is filed.

In the present Criminal Revision Case, the petitioner contended that the order of the Court below is erroneous as respondent No.1 is already gainfully employed. The notice taken out on him through substituted service is vitiated by error of jurisdiction. The Court below ought not to have passed the impugned order since the petitioner was residing at Spain. Though the petitioner has taken such a ground, he has not chosen to contest the matter either before the Court below or before this Court even after a long gap of eight years.

Therefore, this Court is of the opinion that the petitioner is not interested to prosecute the matter.

Accordingly, the Criminal Revision Case is dismissed.

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

P. KESHAVA RAO,J

Date: 14.9.2018

KPM

