

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.963 OF 2016

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel for respondent Nos.1 to 3.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.18 of 2014 in M.C.No.28 of 2012 dated 29.2.2016 on the file of the Judge, Family court-cum-III Additional District Judge, Warangal, in dismissing the petition filed to set aside the *ex parte* order passed in M.C.No.28 of 2012 dated 14.8.2015.

3. The facts of the case are that the respondents 1 to 3 herein filed M.C.No.28 of 2012 claiming a sum of Rs.10,000/- p.m. each to respondents 1 to 3 herein on the file of the Judge, Family Court-cum-III Additional District Judge at Warangal. The petitioner herein filed a counter affidavit and contested the matter. Pending the Maintenance Case, the respondents 1 to 3 herein filed CrI.M.P.No.106 of 2012 for grant of interim maintenance. On 19.9.2013, the said petition was allowed granting a sum of Rs.5,000/- p.m. towards interim maintenance from the date of the petition. However, on 13.12.2013, *ex parte* final order was passed, disposing of the Maintenance Case, directing the petitioner herein to pay a sum of Rs.5,000/- per month each to the respondents 1 to 3. In those circumstances, the petitioner herein filed CrI.M.P.No.18 of 2014 to set aside the said *ex parte* order dated 13.12.2013. The said CrI.M.P.No.18 of 2014 was allowed by the Court below on

14.8.2015 directing the petitioner herein to deposit the entire arrears. The petitioner herein filed CrI.R.C.No.2652 of 2015 in this Court, which was allowed on 7.11.2015. While disposing of the above said Criminal Revision Case, this Court observed as under:

“Considering the facts and circumstances of the case, the criminal revision case is disposed of with the following directions:

(i) The petitioner herein is directed to pay the remaining arrears payable to the respondents 1 to 3 herein in three equal instalments, i.e., by the end of December, 2015, January, 2016 and February, 2016 respectively.

(ii) The order dated 14.8.2015 passed in CrI.M.P.No.18 of 2014 in M.C.No.28 of 2012 is hereby set aside; and

(iii) The trial Court is directed to restore M.C.No.28 of 2012 on its file and dispose of the same as expeditiously as possible, preferably within a period of six months, without being influenced by the order of this Court.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.”

4. By virtue of the above said order, the trial Court has restored the Maintenance Case.

5. During the course of hearing, it is brought to the notice of the Court that the petitioner herein has been paying the maintenance amount of Rs.5,000/- p.m. regularly till May, 2018.

6. In these circumstances, both the counsel requested this Court to direct the learned Judge, Family Court-cum-III Additional District Judge, to dispose of the main case itself within a stipulated period.

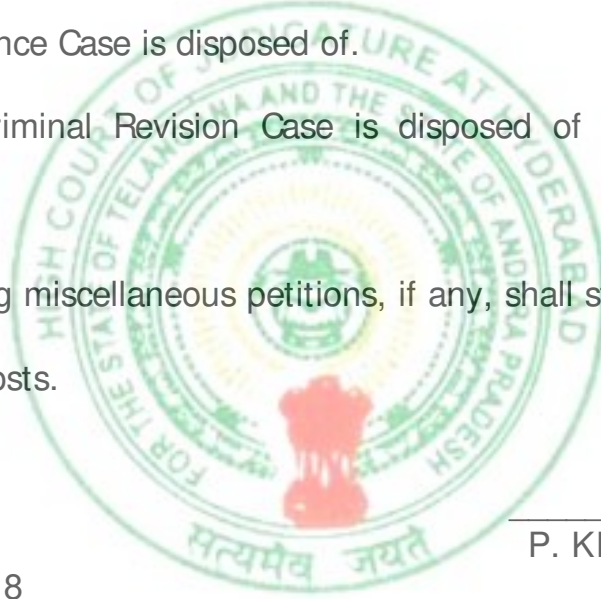
7. Taking into consideration, the said contention and without going into the merits of the case, learned Judge, Family Court-cum-III Additional District Judge, Warangal, is directed to dispose of M.C.No.28 of 2012 within a period of four months from the date of receipt of a copy of this order. It is needless to observe that the petitioner shall pay the maintenance amount @ Rs.5,000/- p.m. till the Maintenance Case is disposed of.

8. The Criminal Revision Case is disposed of with the above observations.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 2.7.2018

KPM



P. KESHA RAO,J