

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.1521 OF 2017

ORDER:

Heard the learned counsel for the petitioner.

This Criminal Revision Case is filed by the petitioner/respondent aggrieved by the order dated 29th June, 2013 in M.C.No.16 of 2012 passed by the V Additional Junior Civil Judge, Guntur whereunder the learned Judge awarded maintenance of Rs.10,000/- to the first respondent and Rs.7,500/- to the second respondent payable by 10th of every succeeding month from the date of the order.

Notice given to the respondents. There is no representation.

Hence heard the learned counsel for the petitioner.

The submission of the learned counsel for the petitioner is that the order in M.C. was an exparte order, therefore, he had no opportunity to submit his counter and contest the matter.

Learned counsel would further submit that the allegation of the first respondent that he was maintaining ten autos and a mechanic shop and earning Rs.50,000/- per month is false and on the other hand, he is eking out his livelihood by driving an auto. Therefore, it is very difficult for him to pay the maintenance amount as awarded. Learned counsel prayed that the exparte order may be set aside and an opportunity may be given to him to contest the M.C.

He fairly submits that to show his bonafides, the petitioner is ready to oblige any order passed by this court.

In view of the above submission, the order dated 29th June, 2013 in M.C.No.16 of 2012 passed by the V Additional Junior Civil Judge, Guntur is set aside and the petitioner/respondent is accorded an opportunity to contest the M.C. on the condition of the petitioner depositing 1/3rd of the maintenance amount accrued till date within two months from the date of this order and shall continue to deposit future maintenance at that rate by 10th of every succeeding month. In the event of his failure to comply the above order, the trial court shall close defence and pass the orders in M.C. on merits. On the other hand, if the petitioner complies with the order and contest the matter and eventually the maintenance is awarded by the court, the amounts paid by the petitioner/respondent interregnum, shall be given credit to the ultimate award of maintenance.

Accordingly, this Criminal Revision Case is dismissed.

As a sequel, miscellaneous applications pending if any, shall stand closed.

JUSTICE U.DURGA PRASAD RAO

Dated 6-3-2018.

Dvs

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