

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.308 of 2019

ORDER :

As there is efficacious remedy provided under Section 126(2) proviso of Cr.P.C. to file application to set aside the *ex parte* order of maintenance, before admission before notice to the respondent the revision can be disposed of as the trial Court can consider if at all to set aside the *ex parte* decree on such terms as per the very wording of the proviso, which may include to sustain the order as interim maintenance in such event.

With these observations, the revision is disposed of giving liberty to file such application under Section 126(2) proviso Cr.P.C. within one week from the date of receipt of a copy of the order, before the learned Magistrate concerned, so that to decide from the above observations and by entertaining the application without reference to the three months limitation otherwise provided by virtue of this order, but for on other merits.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28th March 2019

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