

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL REVISION CASE No.264 of 2022

O R D E R:

This Criminal Revision Case is filed seeking modification of the impugned order dated 23.02.2022 in I.A.No278 of 2021 in F.C.O.P.No.5 of 2020 on the file of learned Family Judge, at Adilabad, wherein the petition is allowed directing the petitioner to deposit 25% of the amount awarded in the exparte order dated 13.02.2021 in F.C.O.P.No.05 of 2020, failing which the petition shall stand dismissed.

02. Heard Sri K.Rajashekar, learned counsel for the petitioner as well as Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1/State and Sri D.Ravi Shankar, learned counsel for the respondents No.2 to 4.

03. The brief facts of the case are that the revision petitioner is the husband of respondent No.2 and father of respondents No.3 and 4. The respondents No.2 to 4 filed an application i.e., F.C.O.P. No.5 of 2020 on the file of learned Family Judge, at Adilabad, wherein the notices stated to have been issued to the petitioner was unserved and the petitioner stated to have been remained exparte and thereafter the learned Family Judge, at Adilabad has went on to pass an exparte order in F.C.O.P.No.5 of

2020 directing the petitioner to pay Rs.30,000/- to the respondent No.2 and Rs.15,000/- each to respondents No.3 and 4, which amounts to Rs.60,000/- per month to respondents No.2 to 4.

04. Subsequently, the petitioner on realising of passing of such exparte order, moved an application in I.A.No278 of 2021 in F.C.O.P.No.5 of 2020 and sought for recalling of setting aside of exparte order, dated 13.02.2021. Petitioner has filed the said application with a delay of 203 days in filing the accompanied petition to set aside the exparte orders dated 13.02.2021 passed against him. On considering both the pleas, the learned Family Court has allowed the application while setting aside exparte order dated 13.02.2021 in F.C.O.P.No.05 of 2020 passed by the learned Family Judge, Adilabad with a condition to deposit 25% of the amount awarded and failing which petition stands dismissed.

05. Aggrieved by the same, the petitioner has preferred this present criminal revision case.

06. It is submitted by the learned counsel for the petitioner that the Order passed by the learned Family Court in I.A.No.278 of 2021 in F.C.O.P.No.05 of 2020 imposing of condition to deposit 25% of the amount awarded is erroneous. On the other hand, learned counsel for the respondents No.2 to 4 submits that even after passing of orders by the learned Family Court, the petitioner

did not choose to deposit any of the amount. Though, the learned counsel for the petitioner as well as respondents No.2 to 4 tried to explain the facts of the case, since petition is filed questioning the conditions imposed by the learned Family Court in I.A.No278 of 2021 in F.C.O.P.No.5 of 2020, this Court did not entertain to hear on merits of the case.

07. It is brought to the notice of this Court that learned Family Court, Adilabad has dismissed the application for maintenance filed by the respondents No.2 to 4 on the ground that the address of the petitioner is not properly shown, which suggests that the learned Family Court, at Adilabad has not dismissed the application of maintenance on merits, however, the said application was dismissed only on technical grounds. Considering the circumstances explained, this Court is of the opinion that imposition of condition by the trial Court to deposit 25% of the maintenance amount granted earlier is not excessive.

08. Considering the circumstances, depositing of 25% of the amount awarded, which comes to 15,000/- per month, is not excessive for the maintenance of three persons i.e., respondents No.2 to 4. In view of the circumstances explained, there are no merits in the petition and thus, this Criminal Revision Case is liable to be dismissed.

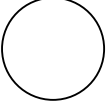
09. However, the learned trial Court is directed to dispose of this main F.C.O.P.No.594 of 2019 as expeditiously as possible. It is also brought to the notice of the Court that the application for grant of interim maintenance is pending in F.C.O.P.No.594 of 2019. Therefore, the trial Court is directed to consider the said application and dispose of the same as quickly as possible within one month from the date of receipt of copy of this Order and until then the petitioner is directed to deposit 25% of the amount as ordered in the exparte order dated 13.02.2022 in F.C.O.P. No.05 of 2020 as directed by the trial Court.

10. Accordingly, this Criminal Revision Case is dismissed.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

Date: 07-Dec-2022
TMK

DR. D.NAGARJUN, J



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