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Crl.M.P.No.673 of 2023
in Crl.R.C.No.618 of 2022

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M.NIRMAL KUMAR, J.

This petition is filed seeking to restore the Crl.R.C.No.618 of 2022 dated 17.10.2022 on file.

2.The petitioners in Crl.R.C.No.618 of 2022, who are the wife and minor children, had filed a maintenance case in M.C.No.84 of 2015. The Family Court finding that the respondent not participated in the proceedings, set him as *ex-parte* by order dated 30.12.2020 directing the respondent to pay Rs.15,000/- as maintenance for the mother/first petitioner and Rs.7,500/- to each of the petitioners 2 and 3. Later the respondent/husband filed a petition to set aside the *ex-parte* order before the Family Court and the Family Court by order dated 28.12.2021 set aside the *ex-parte* order by imposing a cost of Rs.10,000/- and restored the maintenance case. Aggrieved over the same, the petitioners have filed a revision before this Court. This Court, by order dated



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14.09.2022, directed the respondent to pay the entire arrears of maintenance amount for the minor children on or before 14.10.2022. Thereafter too, the respondent not paid any maintenance amount and failed to comply with the conditional order of this Court dated 14.10.2022.

3.On 17.10.2022, when the matter was taken up for hearing, the learned counsel for the petitioners was held up in other Court and he was unable to appear. Finding that there is no representation for petitioners as well as respondent and also finding that the conditional order not complied with, this Court by order dated 17.10.2022, dismissed the Crl.R.C.No.618 of 2022. The petitioners have presently filed this miscellaneous petition to restore Crl.R.C.No.618 of 2022 on file.

4.The learned counsel for the petitioners fairly submitted that M.C.No.84 of 2015 is progressing before the trial Court. Both the petitioners as well as respondent had filed Assets and Liability statements and the case is



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5.It is made clear that the observation made herein is only for limited purpose of imposing conditional order and nothing more. Further it is seen that the respondent not complied with the conditional order and also not participated in the revision. The respondent cannot claim any advantage on the observations made in this order. It is also made clear that the petitioners and respondent are participating in the maintenance case in M.C.No.84 of 2015, which is at the stage of trial. The maintenance case is pending from the year 2015. In view of the same, the trial Court is directed to proceed with the maintenance case and conclude the maintenance proceedings within a period of three months from the date of receipt of a copy of this order.



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6.It is also made clear that the observation made earlier by this Court in Crl.R.C.No.618 of 2022 is only for limited purpose of disposal of the revision. This Court finds no reason to restore the Criminal Revision on file. Accordingly, this Criminal Miscellaneous Petition is dismissed.

12.03.2024

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Note: Issue order copy on 19.03.2024

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