

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 661 OF 2024

Criminal Revision Case filed under Sections 397 & 401 of Cr.P.C., against the Order dated 14.07.2023 passed in M.C.No. 59 of 2021 on the file of the Court of the Judge, Family Court – cum – IV Additional Sessions Judge at Khammam.

Between:

Chunduru Phani Krishna Prasad, S/o. Ch. Venkateswar Rao, Aged about 32 years, Occ: Private Employee, Presently residing at H.No.3-7-435/4, 1st Floor, Cosmopolitan Colony, Auto Nagar, Rangareddy District, Telangana. Permanent residing at H.No.12-94/5, Srinivasa Nagar, Opp. Surya Talent School, Kodad Town and Mandal, Suryapet District-508206, Telangana.

...Revision Petitioner/Respondent

AND

1. Smt. Julakanti Swapna, D/o. Julakanti Srinivasa Rao, Aged about 28 years, Occ Housewife, R/o. H.No. 2-2-210, Gandhi Chowk, Near Hanuman Statue, Khammam Town and District, Telangana.

...Respondent/Petitioner

2. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondent/Respondent

IA NO: 3 OF 2024

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in M.C.No.59 of 2021, dated 14.07.2023 on the file of the Family Court-Cum-IV-Addl. Sessions Judge, at Khammam, pending disposal of main CrI.R.C.

Counsel for the Petitioner : Sri Chandrasekhar Reddy Gopireddy

Counsel for Respondent No.1 : Sri Tarun Ram Aitham

**Counsel for Respondent No.2 : Smt. S. Madhavi,
Assistant Public Prosecutor**

The Court made the following: ORDER

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.661 of 2024

ORDER:

The challenge in the instant Criminal Revision Case is to the order dated 14.07.2023, passed in M.C.No.59 of 2021, by the learned Family Court-cum-IV Additional Sessions Judge, at Khammam.

2. Vide the impugned order; the trial court has passed an ex parte order and partly allowed the petition filed by the respondent No.1 directing the petitioner herein to pay a sum of Rs.10,000/- per month towards monthly maintenance to the respondent on or before 05th of every succeeding month directly to the account of the respondent No.1 and the accrued arrears to be paid within three months from the date of said order.

3. Learned counsel for the petitioner would submit that the petitioner has not been given proper opportunity to make his submissions and he has no knowledge about the same and hence would submit that without giving any opportunity, passing such an order would ultimately forfeit the right of the petitioner to put up his case before the learned trial court. Hence, seeks to set aside the impugned order dated 14.07.2023,

passed in M.C.No.59 of 2021, by the learned Family Court-cum-IV Additional Sessions Judge, at Khammam.

4. On the other hand, opposing the above submissions, learned counsel for the unofficial respondent would submit that the petitioner has filed Crl.M.P.No.6 of 2023 on the file of the learned Family Court-cum-IV Additional District and Sessions Judge at Khammam, seeking to condone the delay of 64 days in filing the petition to set aside the ex parte order dated 14.7.2023 and the same was dismissed vide order dated 08.04.2024.

5. This Court after hearing the learned counsel on either side and after going through the order passed by the trial court is of the view that the learned trial court while passing the impugned order has relied upon the submissions made by the learned counsel for the petitioner in M.C.No.59 of 2021, which in my considered view is incomplete because the petitioner herein was not given ample opportunity to put forth and substantiate his case and accordingly the order dated 14.07.2023 passed in M.C.No.59 of 2021, by the learned Family Court-cum-IV Additional Sessions Judge, at Khammam, is set aside and the matter is remanded back to the trial court for fresh consideration.

6. Accordingly, this criminal revision case is allowed. Miscellaneous petitions, if any, pending in this criminal petition, shall also stand closed.

Sd/- T. SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

el
SECTION OFFICER

To,

1. The Judge, Family Court – cum – IV Additional Sessions Judge at Khammam.
(with records, if any)
2. One CC to Sri Chandrasekhar Reddy Gopireddy, Advocate [OPUC]
3. One CC to Sri Tarun Ram Aitham, Advocate [OPUC]
4. Two CD Copies

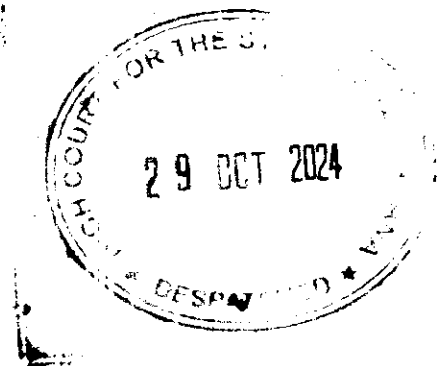
Njb/gh
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HIGH COURT

DATED:12/08/2024

ORDER

CRLRC.No.661 of 2024



ALLOWING THE CRLRC

Gcopras
by
29/10/24