

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL REVISION CASE No. 202 of 2013**

**JUDGMENT:-**

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the order dated 11.11.2012 passed in M.P.No.178 of 2011 in M.C.No.36 of 2000 on the file of Family Court at Secunderabad wherein an application filed by respondent Nos.1 to 3 under Section 127 Cr.P.C. seeking enhancement of maintenance was allowed, enhancing the maintenance from Rs.1,700/- p.m. to Rs.3,000/- p.m. to each of the respondents herein.

Learned counsel for the petitioner submits that the impugned order came to be passed on a Sunday and that he was not aware that the Family Court would function even on Sunday. He submits that his non-appearance before the trial Court is neither intentional nor deliberate.

On the other hand, learned counsel for respondent Nos.1 to 3 submits that the Family Court works on every Sunday and the petitioner intentionally avoided attending the Court.

The order under challenge came to be passed on Sunday and on that day the petitioner's counsel was called absent and there was no representation on his behalf. Having regard to the circumstances stated and in view of the consent of learned counsel for the petitioner as well as respondent Nos.1 to 3, this Court passed the following order:

The Family Court at Secunderabad is hereby directed to give an opportunity to the petitioner to contest the petition and adduce evidence. Respondent Nos.1 to 3 may also be given an opportunity to adduce evidence, if necessary. The entire process of recording the evidence and delivery of judgment shall be completed within a period of one month from the date of receipt of a copy of this order. It is made clear that the petitioner shall continue to pay maintenance as awarded in the impugned order till

disposal of M.P.No.178 of 2011.

Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions, if any, pending in the revision shall stand disposed of.

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**C. PRAVEEN KUMAR, J**

31<sup>st</sup> March, 2015

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