

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1016 of 2015

- Lakhan Lal Sarthi S/o Jogiram Sarthi Aged About 26 Years R/o Village & Post - Kirari (Baradwara), Thana & Tahsil - Baradwar, Distt. Janjgir - Champa Chhattisgarh

---- Applicant

Versus

- Smt. Vinita Sarthi W/o Lakhan Lal Sarthi Aged About 20 Years R/o By Caste - Sarthi, R/o Village Post Chhurikala, Katghora, Tahsil - Katghora, Distt. Korba Chhattisgarh

---- Respondent

For Applicant:

Shri R.S. Patel, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

01/12/2015

Heard on admission.

From the documents filed by the applicant it appears that in the maintenance proceedings initiated by the applicant under Section 125 Cr.P.C. an amount of Rs. 2000/- per month was awarded in favour of the respondent. It appears that as the applicant failed to deposit the said amount the respondent filed an application under Section 125 (3) of the Code of Criminal Procedure for issuance of a direction to the applicant to pay the arrears to the tune of Rs. 14,000/-, to her. By the order impugned dated 5.10.2015 the said application has been allowed and the applicant has been directed to make one time payment of Rs. 14,000/- to the respondent and it is this order which is under challenge in this revision.

2. From the pleadings of the petition it appears as if the applicant wanted to challenge the

original order granting maintenance of Rs. 2,000/- per month in favour of the respondents but it has not been done, rather the order under challenge is the one dated 5.10.2015 directing the applicant to pay arrears of Rs. 14,000/- to the respondent. Once the applicant has been directed to pay Rs. 2,000/- per month to the respondent, under the law he is obliged to comply with the same unless it is altered by any higher Court in appropriate proceedings. However, in the present case the original order granting maintenance has not been challenged anywhere and it still stands as it is. As the applicant has not paid the monthly maintenance of Rs. 2,000/- awarded by the Court below, the order dated 5.10.2015 directing him to pay arrears of Rs. 14,000/- to the respondent cannot be said to be at fault.

3. Revision thus being without any force is liable to be dismissed and it is dismissed as such at the motion stage itself.

Sd/-

(Pritinker Diwaker)

Judge