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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 337 OF 2015**

Basant Lal Nayak, aged about 33 years, S/o Sukhruram Nayak, R/o Near Sirgitti Fatak, Nayak Bada, Shiv Mandir Sirgitti, Police Station Tarbahar, Office Address-Basant Lal Nayak (Khalasi/Peon), Through Senior D.E.E. (T.R.D.), South Eastern Central Railway Bilaspur, Tahsil & District Bilaspur (C.G.), Civil & Revenue District Bilaspur (C.G.)

---Applicant**Versus**

Smt. Parwati Nayak, aged about 26 years, W/o Basant Lal Nayak, R/o Q.No. 1105, Construction Colony Bilaspur, Police Station Torwa, Tahsil & District Bilaspur (C.G.), Civil & Revenue District Bilaspur (C.G.)

----Non-applicant

For Applicant	:	Mr. Ratnesh Kumar Agrawal, Advocate
For Non-applicant	:	Mr. Ravindra Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/08/2015**

1. In an application for maintenance filed by non-applicant herein claiming maintenance expressing her inability to maintain herself, the Family Court, Bilaspur, C.G. by its order dated 04/04/2015 finding that relationship between husband and wife is established and taking into income of the present applicant, granted an amount of Rs.5,000/- per month as an interim maintenance during the pendency of maintenance proceeding, which is sought to be challenged.

2. Learned counsel appearing for the applicant would submit that there is divorce by mutual consent on 23/09/2011, which is not in dispute and as such, application for maintenance itself is not maintainable.

3. Learned counsel appearing for the non-applicant relying upon **Rishikesh Singh alias T.R. Singh v. Kiran Gautam**¹ would submit that divorce by mutual consent has no ground to deny the maintenance by invoking Section 125 of the Cr.P.C. He would further submit that order granting maintenance is already challenged.

4. I have heard learned counsel appearing for the parties.

5. Taking into consideration the inability of non-applicant to maintain herself; the financial status of the present applicant and law laid down by this Court in **Rishikesh Singh alias T.R. Singh (supra)**, I do not find any illegality or perversity in order granting maintenance.

6. Accordingly, criminal revision is dismissed. However, Family Court, Bilaspur, C.G. is directed to expedite the maintenance proceeding and same is decided within a period of three months from today.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari

¹ 2015 CRI. L.J. 126