

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 49 of 2016

- Brij Lal Bharti S/o Ganeshram Bharti Aged About 23 Years R/o Village Kaudia, P.S. Seepat, Tahsil Masturi, Civil And Rev. Bilaspur Chhattisgarh.

---- Applicant

Versus

- Laxmi Bai W/o Brijlal Bharti Aged About 20 Years
- Prahlad Sahu S/o Brijlal Bharti Aged about 3 months, Through His Mother Natural Guardian Laxmibai Bharti,

Both are R/o Village Kukda, Police Station Bhatapara Gramin, Civil And Rev. District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondents

For Applicant	: Shri M.D.Dhote, Advocate
For Respondents	: None present.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

20/01/2016

Heard on admission.

The non-applicants filed application before the Judicial Magistrate First Class, Bilaspur seeking maintenance under Section 125 Cr.P.C. Along with the said application, the non-applicants have also filed application for grant of interim maintenance.

Vide order dated 25.05.2015 the trial Magistrate has rejected the said application filed by the non-applicants. The order of the Magistrate was assailed by the non-applicants before the Additional Sessions Judge, Bhatapara by the impugned order. The Additional Sessions Judge had directed the applicant to pay maintenance of Rs. 1,000/- per month to non-applicant No.1 and Rs. 500/- per month to non-applicant No.2. It is this order which has been challenged by the non-applicants in this revision.

Counsel for the applicant submits that the non-applicants are residing

separately without any justification and therefore they are not entitled for any interim maintenance. He further submits that the non-applicant No.1 has also filed the criminal case against the applicant and that shows her intention and therefore also the non-applicants are not entitled for any maintenance.

Heard counsel for the applicant and perused the order impugned.

The relationship between the applicant and non-applicants are not disputed. Considering the fact that the non-applicants are not in a position to maintain themselves, the court below has directed the applicant to pay interim maintenance to the non-applicants. I find no illegality in the order impugned. The revision has no substance, the same is accordingly dismissed.

Sd/-

Pritinker Diwaker
Judge