

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 120 of 2016

1. Pramod Kumar Sahu S/o Mana Ram Sahu, aged about 37 years, R/o Pondibahar, Adarsh Nagar, Ward No. 29, Korba, Tahsil and District Korba Chhattisgarh

---- Petitioner/Applicant

Versus

1. Smt. Nandani Sahu W/o Pramod Sahu, aged about 32 years, R/o Near Kanji House, Parsabhata, Balco Nagar, Korba, Tahsil and District Korba Chhattisgarh
2. Ku. Arya Sahu D/o Pramod Kumar Sahu, aged about 11 years, Minor, through natural guardian mother Smt. Nandani Sahu, R/o Near Kanji House, Parsabhata, Balco Nagar, Korba, Tahsil and District Korba Chhattisgarh
3. Vaibhav Sahu S/o Pramod Kumar Sahu, aged about 7 years, Minor, through natural guardian mother Smt. Nandani Sahu, R/o Near Kanji House, Parsabhata, Balco Nagar, Korba, Tahsil and District Korba Chhattisgarh

---- Respondents/Non-applicants

For Applicant – Shri N.K.Chatterjee, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10/02/2016

1. At the outset, learned counsel for the applicant submits that the Judge, Family Court Korba, C.G. had passed the order ex-parte in an application filed by the present non-applicants allowing the said application and awarding maintenance in favour of the present non-applicants. Thereafter, the present applicant filed an application under Section 126(2) of the Code of Criminal Procedure, 1973 (in short 'the Code') to set aside the ex-parte order passed against him which is still pending before the Judge, Family Court Korba, C.G. On the other hand, the Court below is proceeding ahead for the execution regarding the order passed for maintenance; and the application to stay the execution proceeding is rejected vide order dated 13-01-2016 in case No.342/2015. The instant criminal revision may be disposed of directing the

Court below to dispose of the proceeding pending under Section 126(2) of the Code filed by the applicant as expeditiously as possible preferably within two months.

2. On due consideration of the entire facts and the prayer made in this behalf, the instant criminal revision is disposed of without any appreciation on its merit. The Court below is directed to dispose of the proceeding under Section 126(2) of the Code, if pending, as expeditiously as possible preferably within two months from the next date of hearing on presentation of copy of this order.

3. Registry is also directed to send a copy of this order through usual mode and fax mode to the Court below for compliance.

4. The petition disposed of.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE