

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.308 of 2016**

- Shri Pravin Kumar Kedia S/O Shri Kailash Nath Kedia, Aged About 37 Years R/O V 801, Sai Simran, Co Operative Housing Society Limited, Near Metal Box, Devnaar, Mumbai Maharashtra Address Of Office Senior Big Data And Information Architect, I.B.M. India Pvt. Ltd. Fourth Floor, I.L. And F.S. Financial Center, Plot C 22, Bandra Kurla Complex, Bandra West, Mumbai, (Maharastara) 110051**(Non Applicant)**

---- **Petitioner****Versus**

1. Smt. Sweta Kedia W/O Shri Pravin Kumar Kedia, Aged About 34 Years D/O Shri A.K. Goenka, Through Shri Shri A.K. Goenka, 275, Samta Colony, Raipur, Tahsil & District Raipur Chhattisgarh**(Applicant 1)**
2. Kinshuk Kedia, D/O Shri Pravin Kumar Kedia, Aged About 7 Years Minor On Behalf Of Through Its Legal Guardian Mother Smt. Sweta Kedia Through Shri Shri A.K. Goenka, 275, Samta Colony, Raipur, Tahsil & District Raipur Chhattisgarh**(Applicant No.2)**

---- **Respondents**

For Applicant	:	Shri Shivendu Pandya, Advocate.
For respondent	:	Not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05.5.2016**

Heard.

2. Facts in brief for the adjudication of the instant petition are that Case No.569/2014 under Section 125 of the Code of Criminal Procedure, 1973 (for short 'the Code') is pending before the Court below wherein the respondents are the applicants and the present petitioner is the non applicant. On 07.10.15 this Court after hearing the matter in Criminal Revisions No.521/15 and 623/15 wherein the present petitioner was non applicant and applicant respectively decided both the criminal revisions by a common order on 07.10.15

and in para 12 of the Order directed the Family Court to conclude the maintenance proceedings finally within a period of three months from the date of receipt and/or production of certified copy of the order. On 11.4.16 the present petitioner had filed interim application under order 8 Rule 1A(3) of the Code of Civil Procedure and another interim application under Section 151 of the Code. The Court below after hearing the parties dismissed both the interim applications and held that there is no any statement of the present petitioner in his statement on oath under Order 18 Rule 4 for the CPC for the said documents and also the said documents are not relevant for the disposal of the case and the said documents may reopen new facts for which opportunity to the applicant to contest the same may also be required and as the matter has to be disposed of as expeditiously as possible, both the applications were dismissed. The Court below also appreciated that as per the prayer made in the application under Section 151 of the CPC, the said document as prayed is not filed by the petitioner hence, it is not possible to direct to supply the said copy of the documents. Against the said order the petitioner has filed the instant petition prayed that order passed by the Court below is bad in law. Both the interim application may be allowed. Order passed by the court below dated 22.4.2016 be set aside.

3. Learned counsel for the petitioner supported the ground taken in the petition and submitted that looking to the ground taken and the facts involved, impugned order dated 22.4.2016 be set aside, both the interim applications filed on behalf of the petitioner may be allowed and relief as sought may be granted.

4. For appreciation of the arguments advanced, perused the entire petition and the documents annexed. Under the relevant provisions of filing of the documents in support of this case, proper stage is mentioned, this Court after detailed discussion and appreciation directed the court below to conclude the trial within a period of three months from the date of receipt and/ or production of the certified copy of the order. The said matter is a maintenance matter pending before the trial Court since October 2014. It requires to be disposed of within a short span of time. The Court below appreciated the entire facts and submitted that the said documents are not relevant for the proper adjudication of the matter. On perusal of the stage of filing of the interim application, it also reveals that the applications are filed much after the stage and opportunity as granted to the petitioner as per law and also regarding other application, the court duly appreciated the facts and disposed of the said application as not maintainable.

5. On due consideration of the entire facts, I do not see any illegality, impropriety or incorrectness in the matter or any mistake of law committed by the Court below. The matter in hand is not maintainable at the motion stage. Consequently, the instant petition is dismissed at the motion stage itself. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE