

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 361 of 2016

- Smt. Anuradha Dupare W/o Ishwarlal Dupare Aged About 70 Years R/o Kundra Para, Sukrawari Bazar, Gudiyari, P.S. Gudiyari Dist Raipur (Chhattisgarh)

---- Petitioner

Versus

- Ishwarlal Dupare S/o Late Tukaram Dupare Aged About 71 Years R/o Village Paragaon, P.S. Aarang, Dist. Raipur (Chhattisgarh)

---- Respondent

For Petitioner

Shri H. S. Ahluwalia, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/06/2016

1. In this petition under Article 227 of the Constitution of India, the petitioner has prayed for a direction to the respondent to make payment of arrears of maintenance amount awarded by the Family Court, Raipur on 23.07.2002 and 04.03.2015.
2. Relying on the judgment rendered by the Supreme Court in **Shail (Smt.) v. Manoj Kumar and others**¹, it is argued that if the amount of maintenance is not granted by the Family Court, the High Court can itself exercise the supervisory jurisdiction and further that an order granting such maintenance can also be directed to be complied with, therefore, a direction be issued to the respondent to comply the orders passed by the Family Court.

¹ (2004) 4 SCC 785

3. Perusal of the order sheets of the Family Court particularly the order dated 07.04.2016 would indicate that on application for execution made by the applicant, the Family Court has proceeded to take coercive action against the respondent by issuing warrant of arrest so as to secure compliance of its interim order granting interim maintenance in favour of the petitioner. The present is not a case, where the Family Court is not at all proceeding ahead with the matter.
4. For the foregoing, no separate or additional direction is needed, however, the Family Court is directed to expedite the hearing of the application for execution preferred by the petitioner and make all possible endeavor to get its previous orders executed in favour of the petitioner.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala