

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 367 of 2016**

1. Sunil Kumar Singhal S/o Late Shiv Kumar Singhal, Aged About 48 Years Caste Agrawal, R/o Raigarh, Thana Raigarh, Tahsil Raigarh, Distt. Raigarh (Chhattisgarh)
2. Rajkumar Singhal S/o Late Shiv Kumar Singhal, Aged About 45 Years Caste Agrawal, R/o Raigarh, Thana Raigarh, Tahsil Raigarh, Distt. Raigarh (Chhattisgarh)

---- Petitioners**Versus**

1. Neha Singhal (Jayanti Singhal) W/o Late Navin Kumar Singhal Aged About 35 Years D/o Dinesh Kumar Mittal, Caste Agrawal, R/o Village Akaltara, Thana & Tahsil Akaltara, Distt. Janjgir Champa (Chhattisgarh)
2. Roshani Singhal, Aged About 11 Years Represented Through Guardian Mother Namely Neha Singhal. By Caste Agrawal, R/o Vill. Akaltara, Thana & Tahsil Akaltara, Distt. Janjgir Champa (Chhattisgarh)
3. Shridha (Suman), Aged About 4 Years Represented Through Guardian Mother Namely Neha Singhal. By Caste Agrawal, R/o Vill. Akaltara, Thana & Tahsil Akaltara, Distt. Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioners : Shri NK Malviya, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****20/06/2016**

1. Petitioners are the brother-in-law of respondent No.1, who has moved an application before the family Court for grant of maintenance under the provisions of Hindu Adoption and Maintenance Act, 1956.
2. Challenge in this petition under Article 227 of the Constitution of India is to the order passed by the family Court, whereby summons of the suit/proceedings have been issued against the petitioners.

3. In proceedings before the family Court, which is akin to a suit, the petitioner can appear and move application before the family Court on the plea that the proceedings are not maintainable against them as no cause of action would arise against the brother-in-law.
4. In any case, proceedings of civil nature cannot be quashed by the High Court under Article 227 of the Constitution of India because party to the suit has remedy for questioning the jurisdiction of the Court by moving an objection before the family Court itself.
5. The instant petition under Article 227 of the Constitution of India is not maintainable. It is accordingly dismissed. However, liberty is reserved in favour of the petitioners to move objection before the family Court.

Sd/-

Judge

Prashant Kumar Mishra

Ashu