

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1027 of 2016**

- Fanendra Awasthi S/o Durgaprasad Awasthi Aged About 43 Years R/o Village - Mudkhusara, Post Avari, Police Station & Tahsil - Charama, District - Kanker Chhattisgarh

---- Applicant**Versus**

1. Smt. Parvati Awasthi W/o Fanendra Awasthi Aged About 37 Years R/o Mahuari Marauda, Police Station & Tahsil - Nevai, District - Durg Chhattisgarh
2. Ku. Megha Awasthi D/o Fanendra Awasthi Aged About 12 Years Through Legal Guardian Mother Smt. Parvati Awasthi, R/o Mahuari Marauda, Police Station & Tahsil - Nevai, District Durg Chhattisgarh
3. Harsh Awasthi S/o Fanendra Awasthi Aged About 10 Years Through Legal Guardian Mother Smt. Parvati Awasthi R/o Mahuari Marauda, Police Station & Tahsil - Nevai, District Durg Chhattisgarh

---- Non-applicants

For Applicant

Mr. Vaibhav P. Shukla, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****21.12.2016**

1. The Revision Petition has been preferred assailing the order dated 20.04.2015 passed by the Second Additional Principal Judge, Family Court, Durg in M.J.C. No. 186/2014.
2. Vide the said impugned order the Court below in a proceeding under section 125 Cr.P.C. has proceeded ex-parte against the present Applicant and passed the ex-parte order allowing the application for grant of payment of maintenance to the Non-applicants to the tune of Rs. 2000/- per month to Non-applicant No.1 and Rs. 1000/- per month

each to Non-applicants No. 2 & 3.

3. A perusal of the record shows that subsequent to the Court below passing ex-parte order against the present Appellant, he has not made any efforts for the getting the ex-parte order set aside by moving an appropriate application under Section 126(2) of the Cr.P.C.
4. At this juncture learned Counsel for the Applicant prays for withdrawal of the present Revision Petition with a liberty that he may be permitted to approach the Court below by moving an appropriate application for getting the ex-parte order set aside.
5. Learned Counsel for the Applicant further prays that the period spent before the High Court assailing the impugned order dated 20.04.2015 may not be taken into consideration for the purpose of counting limitation in challenging the impugned order.
6. Accordingly, the present Revision Petition stands dismissed as withdrawn with the aforesaid liberty.
7. It is directed that in case if an application for condonation of delay is moved, the period spent in the present Revision Petition before the High Court may not come in its way for the purpose of counting of the period of limitation.

Sd/-

(P. Sam Koshy)
JUDGE