

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No. 569 of 2016**

Rajesh Kumar Mishra, aged about 41 years (at present aged about 48 years), son of late Shri Chandrika Prasad Mishra, Occupation – Government Service, posted as Clerk in the Office of Deputy Director, Veterinary Services, Janjgir, Police Station – Janjgir, Tahsil – Janjgir, District – Janjgir-Champa (Chhattisgarh).

**---Petitioner**

**Versus**

Smt. Madhuri Mishra, aged about 37 years (at present aged about 40 years), wife of Shri Rajesh Kumar Mishra, Occupation – Housewife, Resident of Near Manjhli Talab, Main Road, Champa, Police Station and Tahsil – Champa, District – Janjgir-Champa (Chhattisgarh) .

**---Respondent**

---

|                |   |                              |
|----------------|---|------------------------------|
| For Petitioner | : | Mr. Bharat Rajput, Advocate. |
|----------------|---|------------------------------|

|                |   |       |
|----------------|---|-------|
| For Respondent | : | None. |
|----------------|---|-------|

---

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Judgment on Board**

**18/10/2016**

1. The petitioner and respondent is husband and wife. Their relations are not good and they are residing separately. Respondent/wife has filed an application under Section 125 of the Code of Criminal Procedure, 1973 (in short, "Cr.P.C.") which has already been granted by the Family Court granting maintenance, thereafter respondent has filed an application under Section 127(1)

of Cr.P.C. for enhancement of maintenance amount. The said application has been filed on 30.08.2007. By order dated 28.05.2016 the family Court has allowed an application under Order 7 Rule 14(3) CPC for taking document filed by the respondent, salary/pay slip of the husband/petitioner. However, the Family Court, by order dated 30.07.2016 rejected an application seeking filing of certain document by the petitioner/husband. Both orders have been assailed by way of this writ petition.

2. I have heard learned counsel for the petitioner and considered their rival submission and gone through the records with utmost circumspection.

3. In a proceeding initiated by respondent/wife for enhancement of maintenance amount. The order of the Family Court taking pay/salary slip of the petitioner is an material document and relevant for deciding the controversy between the parties and necessary to adjudicate as to whether the amount of maintenance granted deserves to enhanced or not and as such order dated 28.05.2016 cannot faulted with.

4. So far as the order dated 30.05.2016 is concerned the family Court has clearly recorded a finding that those documents are not relevant and some of the document has been filed thrice and the application has been filed only to delay the trial of main application as the said application is pending consideration for more than eight

years and as such there is no infirmity in the impugned order, the writ petition deserves to be and is accordingly dismissed. Since the application is pending consideration from 30.08.2007. The Family Court, Janjgir-Champa is directed to consider the application and finally decide the enhancement application within two months from the date of receipt of copy of this order. No order as to cost(s).

Sd/-

**(Sanjay K. Agrawal)**  
**JUDGE**

L