

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 399 of 2011**

Deepak S/o Makhan Verma, Aged about 25 years, R/o village Kritbaans,
Tehsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

----Applicant**Versus**

Manglu, minor, aged about 2 years, S/o Lakshmi Bai (Minor) Thorough her
father & guardian Shiv Shankar Dubey S/o Suddan Dubey, R/o village
Kritbaans, PS Gandai, Tehsil Chhuikhadan, District Rajnandgaon,
Chhattisgarh.

----Respondent.

For Applicant	: Shri Kshitij Sharma, Advocate.
For Respondent	: Shri Abhishek Sharma, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****09/12/2016**

1. This petition is directed against the order dated 13.05.2011 passed by the learned Family Court, Rajnandgaon at Khairagarh in Miscellaneous Criminal Case No. 69 of 2010 whereby he dismissed the petition filed by the Petitioner under the provisions of Section 126(2) of the Code of Criminal Procedure, 1973 for setting aside the ex-parte order dated 13.11.2009 passed in Miscellaneous Criminal Case No. 197 of 2007 awarding maintenance to the Respondent-minor at the rate of Rs. 800/- per month.
2. The case of the Petitioner before the learned trial court was that he had not been properly served. The learned Trial Court, on going through the records has come to the conclusion that the Applicant was actually properly served by registered post but the Petitioner had not appeared before the Court despite valid

service. This finding of the learned Trial Court is a pure finding of fact. There is no legal question of jurisdiction involved in it. The maintenance awarded is very low calling for no interference.

3. While exercising revisional jurisdiction, this Court does not go into the issues of fact and therefore, I find no merit in this revision. It is accordingly dismissed.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE