

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 608 OF 2016

Smt. Anugya Mishra, aged about 29 years, D/o Shri Kamla Shankar Tiwari, W/o Shri Santosh Mishra, present R/o Chikhli, Ward No.5, Rajnandgaon (C.G.)

... Petitioner

Versus

Santosh Mishra, aged about 38 years, S/o Shri Jagatpal Mishra, property dealer and bore-well contractor, R/o near Radha Krishna Mandir, Sanjay Nagar, Police Station Tikrapara, Raipur (C.G.)

... Respondent

For Petitioner	:	Mr. P.K.C. Tiwari, Senior Advocate, along with Mr. Kripesh G. Kela, Advocate.
For Respondent	:	Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2016

1. The present Criminal Revision has been preferred against the order dated 27.4.2016 passed by the Family Court, Rajnandgaon in Misc. Criminal Case No. 44 of 2015, whereby in a proceeding under Section 125 of CrPC the Court below has while entertaining the interim application awarded Rs.700/- per month to be paid as interim maintenance to the Petitioner.
2. Pending the present Criminal Revision before this Court, the Family Court has finally adjudicated upon the proceedings under Section 125 of CrPC vide order dated 30.8.2016 whereby the Court has fixed the maintenance of Rs.1500/- per month to be paid to the Petitioner as final maintenance amount. The said order dated 30.8.2016 has already been challenged in Criminal Revision No. 965 of 2016 which this Court had already admitted and listed for further hearing on 16.12.2016.

3. Considering the fact that the proceeding under Section 125 of CrPC itself has been finally adjudicated upon and which is also under challenge before this Court seeking enhancement, learned Senior Counsel appearing for the Petitioner submits that the present Criminal Revision was filed for enhancement and now the final order has been made prospective from the date of order and not from the date of application. He further submits that, in case, if he is permitted the liberty of questioning the applicability of the order of maintenance from the date of application while challenging the final order, the present Criminal Revision may be disposed of as having become of academic interest. He prays for permission reserving his right to challenge the applicability of the benefits which he is entitled for, from the date of application.

4. Not opposed by the Counsel for the Respondent.

5. With the aforesaid liberty, the present Criminal Revision is disposed of.

Sd/-
(P. Sam Koshy)
Judge