

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 969 of 2016**

- Preetam Singh Rajput S/o Late Shri Bala Singh Rajput Aged About 35 Years Occupation- Business, R/o Village- Khaira (Chapora), Police Station Ratanpur, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Anita Singh W/o Shri Preetam Singh Rajput Aged About 28 Years Through R/o Village Khaira (Chapora), Police Station Ratanpur, Civil & Revenue District Bilaspur, Chhattisgarh. At Present R/o Railway Bangla Para, Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.
2. Gajendra Singh S/o Shri Preetam Singh Rajput Aged About 4 Years Are Minor Through Their Legal Guardian Mother Smt. Anita Singh, All R/o Village- Khaira (Chapora), Police Station Ratanpur, Civil & Revenue District- Bilaspur, Chhattisgarh. At Present R/o Railway Bangla Para, Raigarh , Civil & Revenue District- Raigarh, Chhattisgarh.
3. Mahendra Singh S/o Shri Preetam Singh Rajput Aged About 3 Years Are Minor Through Their Legal Guardian Mother Smt. Anita Singh, All R/o Village- Khaira (Chapora), Police Station Ratanpur, Civil & Revenue District- Bilaspur, Chhattisgarh. At Present R/o Railway Bangla Para, Raigarh , Civil & Revenue District- Raigarh, Chhattisgarh.

---- Non-applicants

For Applicant

Mr. Paras Mani Shriwas, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19.10.2016**

1. The present Revision Petition has been preferred challenging the order dated 11.07.2016 passed by Family Court, Raigarh in Misc. Criminal Case No. F-143/2015.
2. Vide the said order the Court below has in a proceeding under Section 125 of the Cr.P.C. partly allowed the application in as much as claim for maintenance to non-applicant wife was rejected. However the claim for the maintenance amount to non-applicants No. 2 & 3 have been allowed and

have ordered to pay Rs. 1500/- per month each to the Non-applicants No. 2 & 3 from the date of the application under Section 125 was made i.e. from 23.09.2015.

3. Learned Counsel for the Petitioner assailing the said impugned order submits that he intends to assail the said impugned order with the limited prayer for making the impugned order effective from the date of passing of judgment.
4. He refers to the decision of the Madhya Pradesh High Court reported in **1992 M.P. Weekly Notes 40** in the case of **Badam Bai (Smt.) v. Kanhaiyalal**.
5. Having considered the contentions put forth by the Counsel for the Petitioner and on perusal of the record, it would be trite at this juncture to refer to the provisions of Sub Section 2 of Section 125 of the Cr.P.C. which for ready reference is reproduced below:

“(2) Such allowance shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance”

6. A plain perusal of the above said provision very emphatically reflects that the power has been conferred upon the Court to decide the applicability of the order. Discretion has been granted to the Court below to decide as to whether the order for grant of maintenance shall be applicable from the date of order or from the date of application.
7. A perusal of the impugned order clearly states that the application for grant of maintenance was filed on 23.05.2015 and the impugned order was passed on 11.07.2016 and the Court below after considering the factual matrix of the case has ordered that the grant of maintenance shall be applicable from the date of application. Once when the Court below has already exercised the powers which have been otherwise conferred upon the Court under Sub Section 2 of Section 125 of the Cr.P.C. In the opinion of this Court no strong case has been made by the Petitioner for reversing

the said finding of the Court below, as there is no perversity or error of law to have been committed by the Court below in granting the maintenance from the date of application under Section 125 Cr.P.C. having been filed.

8. This Court on an earlier occasion recently while considering the same issue in a **Criminal Revision No.696/2015** decided on 13.05.2016 in case of **Navinchandra v. Smt. Janayti Bai** wherein this Court relied upon the judgment of the Supreme Court reported in **(2015) 6 SCC 353** in case of **Bhuwan Mohan Singh v. Meena and Others**, made an observation that the applicability of the maintenance would be from the date as has been ordered by the Court below.
9. For the aforesaid reasons this Court is of the opinion that no strong case has been made for interference in the impugned order dated 11.07.2016.
10. Accordingly, the present Revision Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE