

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 896 of 2016**

- Smt. Amrita Agrawal W/o Nitin Agrawal Aged About 38 Years R/o Sarathi Mohalla, Mathpara, Ward No. 3, Durg, Tahsil & District Durg Chhattisgarh

---- Applicant**Versus**

- Nitin Agrawal S/o Ajendra Kumar Agrawal Aged About 32 Years R/o Maruti Mandir Street, Tamerpara, Durg, Tahsil & District Durg Chhattisgarh

--- Non-applicant

For Applicant

Shri Goutam Khetrpal, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****23/09/2016**

1. The present Revision Petition has been preferred assailing the order dated 04.07.2016 passed by the Principal Judge, Family Court, Durg in Misc. Case 216/2016. Vide the said impugned order the Court below in a proceeding under Section 125 CrPC has rejected the Application for grant of interim maintenance to the Applicant.
2. Learned Counsel for the Applicant submits that the Court below has failed to appreciate the facts which had been brought by the Applicant in her pleading particularly the fact that the averments made by the Non-applicant during consideration of the interim application was false and incorrect.

3. Further on perusal of the impugned order clearly reflects that the Court below has found some documents which have been adduced in the proceeding by the Non-applicant-husband showing that she was employed with Rungta Public School, Bhilai. On the basis of which the Application for Interim maintenance was rejected.
4. Considering the said finding of the fact by the Court below this Court finds no reason for interfering with the order rejecting interim maintenance. Further it is only an interim application which has been rejected by the Court below in the given factual background and the Court is still open for the Applicant to establish her claim for maintenance before the Court below by adducing proper cogent evidence in support of her claim and which the Court below shall consider the said objections and contentions that shall be brought on record.
5. This Court does not find any strong ground for interfering with the impugned order. Accordingly, the Revision Petition being devoid of merits stands dismissed.
6. However, it is expected that the Court below shall try to expedite the proceeding and decide the matter as early as possible subject to the cooperation on behalf of the Applicant.

Sd/-

(P. Sam Koshy)
JUDGE