

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL REVISION NO. 961 OF 2016**

1. Smt. Anju Sharma, W/o Prashant Sharma, aged about 25 years, Occupation- dependent, R/o Village Kudekela, P.S. Chhal, Tahsil Dharamjaigarh, District Raigarh, at present R/o Kelo Vihar Gandhi Nagar, behind of Polety Form, Chakradharnagar, District Raigarh (C.G.)

2. Minor Digvijay (Ayush) Sharma, S/o Prashant Sharma, aged about 3½ years, through his legal guardian Smt. Anju Sharma, W/o Prashant Sharma, at present R/o Kelo Vihar Gandhi Nagar, behind of Polety Form, Chakradharnagar, District Raigarh (C.G.)

... Applicants**Versus**

Prashant Sharma, S/o Tarun Sharma, aged about 28 years, Occupation- Service (Siksha Karmi), R/o Village Kudekela, P.S. Chhal, Tahsil Dharamjaigarh, District Raigarh (C.G.)

... Non-applicant

For Applicants : Mr. Manoj Kumar Jaiswal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/10/2016**

1. The present revision under Section 19(4) of the Family Courts Act read with Section 397 & 401 of CrPC has been preferred by the Applicants assailing the order dated 20.9.2016 passed by the Family Court, Raigarh in Criminal M.J.C. No. F-74/2016. By the said impugned order, the Family Court in a proceeding under Section 125 of CrPC allowed interim maintenance so far as Applicant No.2 is concerned whereas the claim application of Applicant No.1 has been rejected.

2. Counsel for the Applicants submits that the Family Court has not properly appreciated the averments made by the Applicants in the application for grant of interim maintenance. According to him, the Family Court ought to have granted some amount of maintenance with which Applicant No.1 could have survived till the final decision in the claim application, and thus prayed for modification of the impugned order accordingly.

3. However, on a perusal of the record, it appears that the Family Court has taken into consideration the earlier proceeding drawn under Section 125 of CrPC wherein also an interim maintenance was granted and subsequently there was a compromise entered into between the parties and the case was disposed of. Subsequently, now the Applicants have filed a fresh application, however, the Court could not find a prima facie strong case made out for Applicant No.1 to leave the matrimonial home and therefore it has proceeded further to decide the case on merits after the recording of the evidence and has rejected the prayer for grant of interim maintenance to Applicant No.1. It is pertinent to note that the Family Court conscious of the facts has however granted interim maintenance to Applicant No.2.

4. Considering the said facts and circumstances of the case and also on perusal of the reasonings given by the Family Court in refusing to grant of interim maintenance to Applicant No.1, this Court does not find any blatant error of law or on fact to have been committed by the Family Court calling for an interference with the impugned order.

5. The revision petition being devoid of merits the same is accordingly dismissed. However, it is ordered that the Family Court shall try to decide the matter as expeditiously as possible as the proceeding under Section 125 of CrPC is a summary trial and it needs to be decided expeditiously

Sd/-
(P. Sam Koshy)
Judge