

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 257 of 2017**

- Rukhmani Dewangan W/o Girdhari Lal Dewangan, Aged About 58 Years D/o Late Pawan Kumar Dewangan, R/o Lakhe Nagar Dhal, Mukut Nagar, Raipuru, Tahsil & District Raipur, Chhattisgarh.

---- Applicant**Versus**

- Girdhari Lal Dewangan S/o Bhukhram Dewangan (Patan Wale) Aged About 62 Years R/o Lakhe Nagar Dhal, Raipur- Tahsil & District- Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri K.K. Dewangan, Advocate

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

06/03/2017

1. The present Revision Petition has been preferred under Section 19(4) of the Family Court Act assailing the order dated 24.12.2016 passed by the Principal Judge, Family Court, Raipur in Criminal M.J.C. No. 257/2014.
2. By way of the said impugned order, the Court below in a proceeding under Section 125 Cr.P.C. initiated by the present Applicant has refused to entertain the same.
3. Learned counsel for the Applicant submits that the finding of the Court below is bad in law for the reason that the said finding is based on the evidence and documents of some other case, not relevant to the present case, therefore, the finding cannot be accepted to be proper and the impugned order be set aside on this ground alone. He further submits that there is no fact which has been brought on record by the Non-Applicant husband to show that the present Applicant was living in adultery and therefore also the finding of the Court below is bad in law.

4. However, a perusal of the impugned order, particularly, the evidence which has come on record would show that the Non-Applicant husband in the instant case has produced a judgment and evidence of the lower Court in respect of a proceeding wherein the statements which have been come on record shows that the present Applicant was living with one Mohan Lal Sonkar and because of the co-habitation of Mohan Lal Sonkar with the present Applicant a divorce petition which was filed by Mohan Lal Sonkar against his wife Rukhmani Bai Sonkar was rejected. Further the fact that the present Applicant was staying in the house of Mohan Lal Sonkar was not disputed of behalf of the present Applicant. Another aspect which has struck the mind of the Court below forcing the claim of the Applicant is the fact that the present Applicant has left the company of the husband, the Non-Applicant here-in, about 29 years ago and it is only now in the year 2014 that the claim application has been for the first time filed.
5. In view of the total evidence which has come on record, on the basis of which the Court below has rejected the claim of the Applicant, this Court does not find any illegality of infirmity on the part of the Family Court rejecting the Application. Thus, the revision petition being devoid of merits deserves to be and is accordingly rejected.
6. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE