

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1155 of 2016**

1. Smt. Sapna @ Palak Notwani W/o Vinay Kumar Notwani Aged About 29 Years Resident Of L.I.G.-1 / 331, Sector - 2, Pt. Deendayal Upadhyay Nagar, Pot - Ravishankar University Premises, Raipur, Tahsil & District - Raipur Chhattisgarh
2. Krishna Notwani S/o Vinay Kumar Notwani About 1 Year 06 Month, Minor Through Natural Guardian Mother Smt. Sapna Notwani, Resident Of L.I.G.-1 / 331, Sector - 2, Pt. Deendayal Upadhyay Nagar, Pot - Ravishankar University Premises, Raipur, Tahsil & District - Raipur Chhattisgarh

---- Applicants**Versus**

- Vinay Kumar Notwani S/o Rajaram Notwani Aged About 33 Years R/o Raj Fancy Store, Golbazar Chowk, Jagdalpur, District - Bastar Chhattisgarh

---- Non-applicant

For Applicants:	Mr. Aparna Singh, Advocate
For Respondent:	Mr. Y.C. Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10.02.2017**

1. Heard on I.A. No.1/2016, which is an application for condonation of delay.
2. For the reasons assigned in the said application for condonation of delay and the same found to be satisfactory, I.A No. 1 is allowed. The Delay of 72 days in filing the appeal stands condoned.
3. Also heard on merits.

4. The present Criminal Revision has been filed assailing the order dated 20.06.2016 passed in M.J.C. No. 13/2015 by the Second Additional Principal Judge, Family Court, Raipur. Vide the impugned order the Court below has in a proceeding initiated by the Applicants rejected their claim so far as the grant of maintenance under Section 125 of the Cr.P.C. to Applicant No.1, is concerned however for the Applicant No. 2 the same has been allowed to the tune of Rs. 3000/- per month to be paid by the Non-applicant as maintenance.
5. Learned Counsel for the Applicants submits that the finding of the Court below of Applicant No.1 leaving her matrimonial home without any cogent reason or sufficient cause is not proper, legal and justified and therefore the rejection of the claim of the Applicant No.1 deserves to be set aside / quashed.
6. However from the perusal of the impugned order it clearly reflects that the witness produced by the Applicant No.1 herself i.e. Applicants' Witness No. 2, Mulchand Kukreja in his evidence has admitted the fact that the applicant wife had left matrimonial home without intimation to anybody. It was also not in dispute that after the Applicant wife left the matrimonial home she was telephonically informed by Mulchand Kukreja, their society head for a conciliation meeting between the two families. After the conciliation meeting however the present Applicant wife is said to have again went to her parental home.
7. It is also reflected from the evidence that in spite of the Non-applicant husband making repeated efforts for taking the Applicant No.1 along with him, it was the Applicant No.1 who has been avoiding staying together with the Non-applicant husband.
8. Taking into consideration the aforesaid evidence which have come on record, this Court is of the opinion that it cannot be said

that the findings of the Court below in refusing grant of maintenance to Applicant No.1 in any manner is bad in law or perverse to the evidence which have come on record.

9. Accordingly, this Court does not find any strong reason for interfering with the impugned order.

10. The present Cr.M.P. thus being devoid of merits stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE