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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.333 of 2017**

Mohd. Arman Khan S/o S/o Suleman, Aged About 26 Years R/o Turkapara Chandani Chowk, Police Station City Kotwali, Tahsil & District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. Smt. Farjana Begam W/o Mohd. Arman Khan, Aged About 22 Years R/o Kayaghat Baba Kutir, Police Station Jutmill Chowki, Tahsil And District Raigarh (Chhattisgarh).
2. Ku. Sahida D/o Arman Khan, Age 11 Months Through Her Mother Farjana Begam, R/o Kayaghat Baba Kutir, Police Station Jutmill Chowki, Tahsil And District Raigarh (Chhattisgarh).

--- Respondents

For Petitioner : Mr. Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

02/05/2017

(1) By the impugned order dated 28.11.2016, the application filed by respondent No.1-Smt. Farjana Begam to implead her daughter as applicant No.2 has been allowed by the trial Court, against which this petition under Article 227 of the Constitution of India has been filed by the petitioner.

(2) Learned counsel appearing for the petitioner would submit that an application under Section 125 of Code of Criminal Procedure (for short 'the CPC') has to be decided in accordance with the procedure laid down in Chapter IX of the Code of Criminal Procedure and no

application under the provisions of Civil Procedure Code can be made, therefore, the impugned order deserves to be set aside.

(3) I have heard learned counsel for the petitioner and perused the impugned order.

(4) After hearing learned counsel for the petitioner and after going through the impugned order, the Family Court has only allowed the respondent's daughter, who is newly born to be impleaded as applicant No.2 in the application for maintenance which is formal in nature and based on the subsequent event in which I do not find any jurisdictional error in the impugned order.

(5) Consequently, the writ petition deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-