

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 245 of 2017

- Gurmel Singh Saini S/o Late Gurucharan Singh Saini Aged About 53 Years R/o Famer House In Front Of Vijaya Bank, Shaym Nagar, Tahsil & District- Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- Jasbir Kaor D/o Late Karnel Singh Rajput Aged About 59 Years R/o 9/1 Near City Station, Guru Govind Nagar, Tehsil & District- Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Atnu Ghosh and Mr. Varunendra
Mishra, Advocates

For Respondent : None

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-05-2017

1. This revision petition is directed against the order dated 28-1-2016 passed by the learned 2nd Additional Principal Judge, Family, Raipur (CG) in M.J.C. No. 550 of 2016 whereby the application preferred by the petitioner under Section 127 of the Cr.P.C., was dismissed.
2. Learned counsel appearing for the applicant would submit that the order passed by the court below is illegal, therefore, the same be set aside.
3. Perusal of the order passed by the court below would show that earlier in MJC No. 82 of 2010, Family Court, Raipur, has passed the order dated 5-1-2016 wherein the applicant was directed to pay Rs.20,000/- per month towards maintenance to non-applicant which

was challenged before the High Court in Criminal Revision No. 344 of 2016 and this Court by order dated 21-4-2016 reduced the amount to be paid from Rs.20,000/- to Rs.15,000/- per month. The same was not paid. Subsequently, the order sheet of Criminal Revision No. 344 of 2016 would show that despite many opportunities given to the applicant, the applicant has not paid a single amount towards maintenance to non-applicant. After that final order which is under challenge before this Court, the instant second petition under Section 127 of the Cr.P.C. was filed and it is stated that due to lapse of time the entire income has come to stand-still and has been reduced and the applicant is not able to pay any amount to non-applicant. Perusal of the order sheet would further show that in support of contention of the applicant, neither any documentary evidence nor any oral evidence was placed and instead it was stated that the applicant does not want to give any evidence in the application for modification of the award under Section 127 of the Cr.P.C.

4. Taking into consideration the above facts and since no evidence is placed on record before the court below, only by mere submission the amount of the maintenance cannot be reduced, as such no material was placed before the court below to consider the same.
5. In a consequence, I do not find any jurisdictional error committed by the court below in passing the order dated 28-1-2016. Accordingly, the instant revision petition being devoid of merit is liable to be and is hereby dismissed summarily at motion stage itself.

Sd/-
(Goutam Bhaduri)
Judge

Raju

