

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 314 of 2017

1. Deepnarayan Sahu, S/o. Banwari, Aged About 60 Years,
2. Harishankar Sahu (wrongly mentioned as Ravishankar Sahu), S/o Deepnarayan, Aged About 32 Years. Both are R/o. N. T. P. C. Jamnipali, Police Station- Darri, Tahsil- Katghora, District- Korba, Chhattisgarh.

---- Applicants

Versus

Smt. Anita Sahu, W/o. Ramshankar Sahu, aged about 32 years, daughter of Kanhaiyalal Sahu, resident of N.T.P.C. Jamnipali, Police Station – Darri, Tahsil – Katghora, District – Korba (C.G.). At present resident of C/o. Kanhaiyalal Sahu, Andhiyari Path, Ward No.19, Akaltara, Police Station & Tahsil – Akaltara, District – Janjgir-Champa (C.G.)

---- Respondents

For Applicants : Mr. Aditya Khare, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/04/2017

1. This revision is against the order dated 24.01.2017, passed in Criminal Revision No.77/2016, passed by learned Additional Sessions Judge (F.T.C.), District – Janjgir-Champa (C.G.), wherein interim maintenance has been directed to be paid to the respondent by the present applicants- Deepnarayan Sahu, who is father-in-law and the applicant No.-2 Harishankar Sahu, brother-in-law and from Ramshankar Sahu, the husband, who is not before this Court.

2. Short facts are that the respondent No.1 was married to Ramshankar Sahu in the year 2008. Perusal of the order sheet would show that husband - Ramshankar Sahu though was married but he performed second marriage with the respondent and out of their wedlock one child was also born. Subsequently, she was refused to be kept by the husband and the other family members. Having been refused to maintain and subjected to violence, an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act of 2005") was filed and in such petition, interim relief was prayed for U/s. 23 of the Act of 2005.
3. Perusal of the copy of the order of the trial Court dated 23.04.2016 would show that relation inter-se between the parties are not in dispute that applicant No.1 is father-in-law and applicant No.2 is brother-in-law. The husband has not filed this petition. The order of the Appellate Court shows that joint allegations have been attributed against the present applicants along with the husband. The appeal having been filed along with the others, Appellate Court had exempted to pay maintenance by Smt. Chandrika Sahu and Smt. Sunita Sahu.
4. Reading of the Act of 2005 would reflect that the applicants herein are covered as being the adult male persons who have a domestic relation with the aggrieved persons i.e. respondent. In the pleading joint allegations have been attributed against these applicants also along with the husband, consequently, the interim relief has been granted. At this stage since the relations inter-se between the

parties are not subject of dispute, the applicants would be prima-facie are covered under Section 2 (q) of the Act of 2005. Now whether the respondent was not subjected to any domestic violence by the present applicants or not can only be ascertained during the course of evidence and the said stage is yet to come and presently on the basis of pleadings of the parties and the affidavits, the order of interim maintenance has been passed.

5. Taking into the fact and further after going through the order, in my considered opinion no jurisdictional error has been committed or it can be stated that it is a case where the Court has exceeded the jurisdiction vested in it by law. Therefore, considering the same I am not inclined to interfere with such finding to disturb the interim maintenance granted to the respondent.
6. Accordingly, the petition has no merit and is dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge