NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 300 of 2017

- Smt. Shanti Bhagat W/o Shri Virendra Bhagat, Aged About 34 Years Caste Uranv, R/o Darji Muhalla, Sarnatoli, Jashpurnagar, Police Station, Tahsil & District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. Virendra Bhagat S/o Shri Bifnath Ram Bhagat, Aged About 36 Years Caste Uranv, R/o Marga, Dumartoli, Tahsil Manora, District Jashpur, Chhattisgarh. Present Address Constable No. 325, Police Station Kartala, District Korba, Chhattisgarh.
2. Lalmuni Bai Wd/o Late Shri Bifnath Ram Bhagat, Aged About 55 Years Caste Uranv, R/o Marga, Dumartoli, Tahsil Manora, District Jashpur, Chhattisgarh.

---- Respondents

For Applicant : Mr. R.R. Soni, Advocate

For Respondents. : Mr. Sanjay Patel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

3-5-2017

1. This revision petition is directed against the order dated 20-01-2017 passed by learned Additional Sessions Judge (FTC), Jashpur, in Criminal Appeal No. 48 of 2016 (CIS No. 48 of 2017) whereby interim maintenance has been fixed to Rs.3,000/- per month which was earlier granted by the trial Court of Rs.6,000/-.

2. Learned counsel appearing for the applicant would submit that without any rhyme or reason the appellate Court has reduced the interim maintenance granted to the applicant from Rs.6,000/- to Rs.3,000/- though the salary of non-applicant No.1 was found to be of Rs.17,892/- per month., therefore, the order dated 20-1-2017 passed by the court below be set aside.

3. On the other hand, learned counsel for the appellant would submit that the trial Court after evaluating the entire evidence has rightly passed the order and the case has already been fixed for evidence.

4. Perused the order of the appellate court which would show that no evidence has been placed by the applicant that she was studying and to meet the necessary expenses Rs.6,000/- was necessitated. It is held that non-applicant has to look after the mother of the applicant also.

5. Considering all the facts of the case, any interference and giving a finding, at this stage, would amount to final adjudication of the matter and instead it would be proper in the interest of the parties to give a direction to the learned trial Court to decide the case of the applicant within a further period of three months from the date of receipt of a copy of this order.

6. It is made clear that while deciding the case on merits, learned court below shall not be influenced by any observation made by the appellate Court or by this Court and shall decide the case independently on its own merits.

7. In view of the above, the instant revision petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Raju