

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 408 of 2017

- Dipak Sikdar S/o Dulal Sikdar Aged About 52 Years R/o Lelin Park, Bhadreswar; District- Hugli (West Bengal); Office Address: Office Of Railway Driver, Loco Pilot, S E C Railway Bilaspur, Chhattisgarh (Real Official Address Of Revisioner Wrongly Written Address Of Respondent By The Appellant Court)

---- **Petitioner**

Versus

- Smt. Mitali Sikdar W/o Deepak Sikdar Aged About 42 Years R/o 179/06, Bunglow Yard, Police Station- Tarbahar: District- Bilaspur, Chhattisgarh, (Office Address: Office Of Railway Driver, Loco Pilot, S E C Railway Bilaspur Chhattisgarh) Wrongly Mentioned In Order As Official Address Of Respondent).

---- **Respondent**

For Applicant : Mr. Anand Kesharwani, Advocate

For Respondent : Mr. Ravindra Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-5-2017

1. This revision is against the order dated 27-3-2017 passed by Sessions Judge, Bilaspur in Criminal Appeal No. 176 of 2016 wherein the appeal preferred by the applicant against the order granting maintenance to wife was challenged on the ground that while granting maintenance by order dated 22-1-2016, husband was not heard and it was ex parte.
2. Perusal of the order of the First Appellate Court in Criminal Appeal Nho. 176 of 2016 would show that the case has been remanded to the trial Court with a direction to decide the same within a period of three months. It is observed that relation in between the parties has not been denied being husband and wife. Consequently, the order

to decide the case afresh on merits within three months does not suffer with any perversity.

3. Learned counsel appearing for respondent would submit that after evidence of wife has been recorded, the case is fixed for recording the evidence of remaining witnesses on 19-5-2017.
4. Considering the fact that the case has been heard on merits, it is at the fag end and about two months time have already passed and further considering the fact that the trial Court was directed to decide the case on merits wherein the applicant shall get all the opportunity to place on record the evidence of facts to demolish the case of respondent/wife.
5. Taking into totality of the case, I do not find any jurisdictional error committed by the trial Court while passing the order dated 27-3-2017 warranting any interference by this Court.
6. Accordingly, the revision petition is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju