

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 609 of 2015

1. Smt. Mumtaj W/o Ranjeet Singh Aged About 28 Years
2. Ku. Muskan D/o Ranjeet Singh Aged About 1 Years

Applicant No.2 Minor Represented Through Her Guardian Mother Smt. Mumtaj Kour.

Both R/o Sardar Gali, Near Hanuman Mandir, Contractor Colony, Supela, Ward No. 6 Bhilai, Tah. And District Durg Chhattisgarh.

Presently Behind To Police Station Jamul, Block No. B, Quarter No. 19, Police Station Jamul, Tah. And Distt. Durg Chhattisgarh.

---- Applicants

Versus

1. Ranjeet Singh S/o Jashwant Singh Aged About 29 Years
R/o Sardar Gali, Near Hanuman Mandir, Contractor Colony, Supela, Ward No. 6 Bhilai, Tah. And District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Shri B.P. Singh, Advocate.
For Respondent	:	Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

12/04/2017

In a proceeding initiated under Section 23 of Domestic Violence Act, 2005, on 23.12.2014 an interim order was passed by the Judicial Magistrate First Class, Durg awarding Rs.7000/- as interim maintenance in favour of the applicants. The said order

was challenged by the respondent/husband before the Additional Sessions Judge, Durg in Cr.A.No.0000031/2015. Vide impugned order dated 3.7.2015 the appellate Court has reduced the amount of interim maintenance from Rs.7000/- to Rs.4000/-. It is this order which has been assailed by the applicants in this revision.

02. Counsel for the applicants submits that purpose of filing this revision would be served if a direction is issued to the concerned Magistrate to decide the main case itself expeditiously. He submits that as the record of the trial Court has been requisitioned by the Registry, proceedings of the trial Court have automatically been stayed since then and therefore, some time limit may be fixed for decision of the main case itself. He further submits that in the meanwhile the respondent/husband may be directed to pay interim maintenance at least @ Rs.4000/- per month to the applicants, as directed by the appellate Court.

03. Counsel appearing for the respondent has no objection to the above proposition as put forth by counsel for the applicants.

04. In the facts and circumstances of the case and also in view of submissions made by the parties, the present revision is disposed of with a direction to the trial Court to decide the main case itself expeditiously, preferably within a period of four months from the next date of hearing. Parties to appear before the concerned Magistrate on 4th May, 2017.

In the meanwhile, the respondent/husband shall continue to pay interim maintenance @ Rs.4000/- per month to the applicants and shall also pay the arrears of maintenance, if any, to the applicants.

05. Nothing in this order shall be construed as an expression of opinion on merits of the case, and the trial Court to decide the main case strictly in accordance with law.

06. Registry is directed to send back the record to the concerned trial Court forthwith.

07. Before parting with the case, this Court is constrained to observe that though as per office note dated 1.8.2015, record of the trial Court was sought to be requisitioned in compliance of the order dated 29.7.2015 of this Court, but order dated 29.7.2015 does not reflect that the record has been called for.

Registrar (J) is directed to look into this matter, seek explanation from the concerned officer/employee in this regard and submit report to this Court.

Sd/

(Pritinker Diwaker)

Judge