

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 754 of 2017

Ramadhar Chouhan, S/o. Late Firtu Chouhan, Aged About 62 Years, R/o. Village Pandhi, Police Station Seepat, Tahsil Masturi, District Bilaspur, (Chhattisgarh).

---- Applicant

Versus

1. Smt. Uma Devi Chouhan, W/o. Ramadhar Chouhan, Aged About 54 Years.
2. Prakash Chouhan, S/o. Ramadhar Chouhan, Aged About 16 Years.
3. Mahakaleshwar, S/o. Ramadhar Chouhan, Aged About 12 Years.

No. 2 & 3 both are minor, represented through mother and legal guardian Uma Devi Chouhan, W/o. Ramadhar Chouhan.

All are R/o. Village Pandhi, Police Station- Seepat, Tahsil Masturi, District Bilaspur (Chhattisgarh)

---- Respondents

For Applicant : Ms. Meenu Banerjee, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2017

Heard

1. The instant petition is against the order dated 14.06.2017 whereby the warrant of attachment is directed to be issued against the applicant for non-payment of maintenance amount.
2. The pleading as would reveal that the order of maintenance was passed on 27.03.2015 thereafter certain amount was paid and the arrears remained. For the arrears, an application was filed by the wife and children and on such application after notice, the order of attachment warrant has been issued.
3. Learned counsel for the applicant submits that the order of maintenance is bad and after the order of maintenance, the wife started living with the husband, therefore, the order cannot be sustained and without notice the order of attachment cannot be directed. She placed his reliance in Crimes IX-1991(3) .

4. Perusal of the order sheet would show that after the application for attachment was filed, the husband/applicant was noticed. He appeared and filed his reply and thereafter the warrant was issued. Consequently, I do not find any reason to interfere such order.
5. Accordingly, the petition is dismissed. However, the applicant is at liberty to seek the appropriate remedy available to him under the law.

Sd/-
(Goutam Bhaduri)
Judge