

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 855 of 2016**

Sharda Prasad, S/o Chhotelal Jayswal, aged about 47 years,
R/o. Housing Board Colony, Quarter No. 38 Balco, P.S. - Balco,
P.S.- Balco Nagar, Civil & Revenue Distt.- Korba (C.G.)

---- Applicant

Versus

Smt. Usha Jayswal, w/o. Shri Sharda Prasad Jayswal, aged
about 52 years, R/o. Housing Board Colony, Korba, Revenue
and civil District Korba (C.G.)

at present residence of Sardar Patel, Ward Mungeli, Police
Station Tehsil and District Mungeli (C.G.)

---- Non-applicant

For Petitioner:	Mr. Rupesh Shrivastava, Advocate
For Respondent :	Mr. Sumit Shrivastava, Avocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/05/2017**

(1) This revision is directed against the order dated 17.08.2016 passed by Additional Sessions Judge, Mungeli in Criminal Appeal No. 19/2016 by which the applicant's appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (henceforth 'Act, 2005') has been dismissed.

(2) Mr. Rupesh Shrivastava, learned counsel appearing for the petitioner would submit that the order granting Rs.12,000/- to each of the respondents i.e. mother and her daughters as maintenancee is excessive and both the courts below have ignored the fact that amount of maintenance is being paid separately as Rs.2,700 to each of the

respondents by the order of Family Court; that has not been taken into consideration by the court below.

(3) Learned counsel for the respondent would submit that the monetary relief granted under Section 20 of the Act, 2005 is different from maintenance and the same is in addition to order of maintenance under Section 125 of the Code of Criminal Procedure and, therefore, order passed by both the courts below are strictly in accordance with law.

(4) I have heard learned counsel appearing for the parties and also considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(5) The question for consideration is whether both the courts below have committed illegality in granting monetary relief under Section 20 of the Act, 2005 ignoring the fact that maintenance of ₹ 2,700/- has already been granted to each of the respondents.

(6) In order to judge the plea, it would be appropriate to refer to Section 36 of the Act, 2005 which states as under:-

“36. Act not in derogation of any other law. - The provision of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.”

(7) In the matter of **Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori and another**¹, their Lordships of the Supreme Court while considering Section 20 of the Act, 2005 has held that monetary relief as stipulated under section 20 of the Act, 2005 is different from

¹ (2014) 10 SCC 736

maintenance, which can be in addition to an order of maintenance under Section 125 of the Code of Criminal Procedure or any other law.

(8) In view of aforesaid legal position of law, petitioner's arguments that amount of maintenance of Rs.12,000/- could not have been granted by the trial, sans merit and accordingly, the criminal revision fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-