

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1750 of 2017**

Smt. Rukhmati, W/o. Shiv Kumar Kuldeep, Aged About 35 Years, Presently R/o. Village Kanhargaon, Police Station Pharasgaon, District Kondagaon Chhattisgarh.

---- Petitioner**Versus**

Shiv Kumar Kuldeep, S/o. Maharuram, Aged About 40 Years, R/o. Dhanora, Police Station Dhanora, District Kondagaon Chhattisgarh.

---- Respondent

For the Petitioner : Mr. Kanwal Singh Baghel, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.02.2018**

Heard.

1. The instant petition is against the order dated 25.10.2017 whereby the revision preferred by the petitioner against the order of J.M.F.C. dated 11.09.2017 was dismissed.
2. The record would show that a petition was filed under Section 125 of Cr.P.C. against the husband, which was dismissed by the J.M.F.C. on 11.09.2017. The same was subject of challenge before the revisional Court and after filing of the revision, the counsel for the petitioner remained absent for 2-3 dates and eventually it was dismissed for non-prosecution.
3. Learned counsel for the petitioner would submit that the non-appearance was not deliberate or will fill and one chance may be given to the petitioner as otherwise she suffered an irreparable loss for the mistake of the counsel.
4. Perused the order of the revisional Court. Considering the nature of dispute and the fact that it has been stated during the argument that

the counsel for the applicant could not appear as he was busy though the same ground cannot be considered for restoration, however, considering the nature of dispute and the position of the parties and the fact that wife is before this Court, who's claims for maintenance stands rejected, in the interest of justice, I deem it proper to give one opportunity of hearing to the parties. Consequently, the order dated 25.10.2017 is set aside and the revision is restored. The petitioner shall appear before the Sessions Judge Kondagaon on 05th March, 2018 to get the case decided on merits.

5. With such observation, the petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**