

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.178 of 2018

Narad Ram Sahu, Son of Late Shri Baishakhu Ram, aged about 65 years,
Caste Teli, R/o Pandeypara, Balod, P.S./Tahsil/District Balod, Chhattisgarh

---- Applicant

versus

Smt. Neera Bai, W/o Shri Narad Ram Sahu, aged about 58 years, Caste Teli,
at present R/o Camp 02, Mahatma Gandhi Nagar, Santoshi Mandir, Near
Kabristan, Power House Bhilai, District Durg, Chhattisgarh

--- Respondent

For Applicant	:	Shri R.S. Patel, Advocate
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Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

8.2.2018

1. Learned Counsel appearing for the Applicant is heard on the question of admission of the instant revision.
2. The revision has been preferred against the order dated 6.12.2017 passed by the First Additional Principal Judge, Family Court, Balod in Case No.38 of 2017 rejecting the preliminary objection raised by the Applicant/husband.
3. The Respondent/wife filed an application under Section 125 of the Code of Criminal Procedure before the Family Court for grant of maintenance. Against the application, the Applicant/husband raised a preliminary objection that after 1 year of solemnisation of the marriage between him and the Respondent/wife, a *Chhor-Chhutti* had taken place between them with mutual consent in the year 1981 and thereafter both of them have performed second marriage with other person. Therefore, the application moved by the Respondent for grant of maintenance is not maintainable. The Respondent opposed the preliminary objection raised by the Applicant. The Family Court has rejected the preliminary objection

of the Applicant on the ground that the said objection will be decided on merits after adducing evidence on record.

4. Having considered the facts and circumstances of the case and the submission put-forth by Learned Counsel appearing for the Applicant, I find that the finding arrived at by the Family Court is just and proper and, therefore, the same does not warrant any interference by this Court.
5. Resultantly, the revision is dismissed *in limine*.

Sd/-
(Arvind Singh Chandel)
Judge