

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.763 of 2018

Chaintaiya, son of Kondaiya, aged about 56 years, resident of Pitambar Saloon Shyam Nagar, Link road, Camp-01, Bhilai, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

1. Smt. Ramlamma, wife of Chaintaiya, aged about 56 years,
2. Kumari Radha, aged about 21 years,

Both are residents of Behind Hukum Chand Phataka Shop, Link Road, Camp-02, Police Station Chhawani Bhilai, Tahsil and District Durg, Chhattisgarh

--- Respondents

For Applicant	:	Shri Malay Kumar Bhaduri, Advocate
For Respondents	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16.7.2018

1. Heard Learned Counsel for the Applicant on admission and perused the material available with due care.
2. Initially, on an application moved under Section 125 of the Code of Criminal Procedure, monthly maintenance of Rs.1,000/- and that of Rs.2,000/- were granted in favour of Respondents No.1 and 2, respectively vide order dated 28.5.2015 passed by the Family Court, Durg on the ground that they are wife and daughter of the Applicant. Thereafter, an application under Section 127 of the Code of Criminal Procedure was filed by the Applicant before the Family Court on the ground that Respondent No.2 is not his daughter. During pendency of that application, one other application was filed by the Applicant for DNA test of Respondent

No.2, which has been rejected by the Family Court vide the impugned order dated 14.3.2018 on the ground that a finding was given on the application under Section 125 of the Cr.P.C. that Respondent No.2 is daughter of the Applicant, but that finding has not been challenged by him.

3. On due consideration, I find no substance in the instant revision. The impugned order is a reasoned order and the Family Court has rightly observed that the Applicant had not challenged the finding given by it in the order passed on the application under Section 125 of the Cr.P.C. holding that Respondent No.2 is his daughter.
4. Resultantly, the revision is dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE