

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1731 of 2017

Dr. Jay Kumar Gawali S/o Late Dr. B. C. Gawali, Aged About 36 Years R/o D. K. 2/31,
Kolar Road Bhopal Madhya Pradesh., Madhya Pradesh **--- Petitioner**

Versus

1. Smt. Swapnil Gawali W/o Jaykumar Gawli, Aged About 31 Years D/o Mahendra Choudhari, Through S. H. O. Tarbahar, Bilsapur, District Bilaspur Chhattiagarh.
2. Surya Kumar, S/o Jay Kumar Gawali, Aged About 3 Years Minor through Natural Guardian Mother Smt. Swapnil Gawali, R/o Shanti Nagar, Near Sidha Shikhar Extention, P. S. Civil Line, Bilsapur, District Bilaspur Chhattiagarh., **---- Respondents**

22.3.2018	Mr. Hemant Gupta, counsel for the Applicant. Heard. Learned counsel for the petitioner submits that on 04.01.2017, an exparte order was passed under section 125 of the Code of Criminal Procedure directing the petitioner to pay monthly maintenance of Rs.20,000/- to respondent No.2. However, when the said order was challenged by the petitioner the trial Court by order dated 09.10.2017 has set aside the order dated 04.01.2017 subject to payment of the entire interim maintenance and further payment of the total arrears of maintenance amount as directed in the exparte order dated 04.01.2017 whereby the monthly maintenance of Rs.20,000/- was granted to respondent No.2. Learned counsel for the petitioner submits that the arrest warrant has been issued, therefore, such conditional order may be set aside. Having regard to the facts situation of the case, it would be appropriate to dispose of the petition with an observation/direction to the effect that on petitioner's depositing the entire amount of interim maintenance @ Rs.7500/- per month and further maintenance amount of Rs.10,000/- from 04.01.2017 till date, no coercive steps shall be taken against the petitioner pursuant to issuance of warrant.	

R a o	In absence of payment of the amount, this order shall loose its efficacy. With the above observation/direction, this petition stands finally disposed of. Sd/- GOUTAM BHADURI JUDGE	
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