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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.1008 of 2018**

1. G. Rajeshwari W/o Late G.T. Babu, aged 59 years, Occ: Housewife
2. G. Krishna Murthy aged about 42 years S/o late G.T. Babu
3. G. Lokesh Kumar S/o Late G.T. Babu, aged 37 years,

All 1 to 3 are R/o H. No.10/13, Santoshi Nagar, Khamtari, Raipur, C.G.-492001

----Petitioners

Versus

G. Poornima @ L. Saritha W/o late G. Bhanu Prakash, aged 37 years, R/o H.No.12-6-2/214 Vivekanagar, Vivekananda Degree College, Kukatpally, District-500072

---- Respondent

For Petitioners : Mr.J.K.Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**03/12/2018**

1. The petitioners seek to challenge the impugned order by which Section 10 of the CPC filed by them for staying the execution proceeding has been rejected.
2. Learned counsel for the petitioners would submit that the impugned order is unsustainable and bad in law.
3. I have heard learned counsel for the petitioners and perused the impugned order.

4. The execution case has been transferred from the Family Court, Hyderabad to recover the amount of maintenance against the petitioners granted under Section 19 of the Hindu Adoptions and Maintenance Act, 1956, in which the present petitioners filed an application under Section 10 of the CPC stating inter-alia that one other decree passed in favour of the respondent is pending before the Metropolitan Magistrate, Miyapur. Learned Family Court, Raipur has clearly held that proceedings initiated for recovery of maintenance amount under Sections 12 and 19 of the Protection of Women from Domestic Violence Act, 2005 is not suit within the meaning of Section 10 of the CPC and therefore, Section 10 of the CPC is not applicable. The said finding recorded by learned Family Court, Raipur is in accordance with law. I do not find any illegality in the impugned order.
5. The writ petition being devoid of merit is liable to be and is hereby dismissed. A copy of this order be sent to the concerned Family Court. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-