

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 330 of 2019

Ramesh Agrawal, S/o. Mahaveer Prasad Agrawal, Aged About 33 Years, R/o. Maa Mahamaya Mobile Near Tej Medical, Old Bus Stand Ambikapur, Police Station- Ambikapur, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

---- **Petitioner**

Versus

1. Smt. Priya Agrawal, W/o. Shri Ramesh Agrawal, Aged About 30 Years.
2. Bhavi Agrawal, D/o. Shri Ramesh Agrawal, Aged About 5 Years, Minor Through Natural Guardian Mother Smt. Priya Agrawal

Both are R/o. Bilaspur Chowk, Police Chowki- Manipur, Ambikapur, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

---- **Respondents**

CR.M.P. No. 337 of 2019

Ramesh Agrawal, S/o. Mahaveer Prasad Agrawal, Aged About 33 Years, R/o. Maa Mahamaya Mobile Near Tej Medical, Old Bus Stand Ambikapur, Police Station- Ambikapur, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

---- **Petitioner**

Versus

1. Smt. Priya Agrawal, W/o. Shri Ramesh Agrawal, Aged About 30 Years.
2. Bhavi Agrawal, D/o. Shri Ramesh Agrawal, Aged About 5 Years, Minor Through Natural Guardian Mother Smt. Priya Agrawal

Both are R/o. Bilaspur Chowk, Police Chowki- Manipur, Ambikapur, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.,

---- **Respondents**

For Petitioner : Mr. C Jayant K Rao, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.02.2019

Heard

1. Both the petitions are being heard together and decided by this common order, as they are arising out of the similar issue in between the same parties.
2. It is contended by the petitioner that by an order dated 03.12.2014 the maintenance was finally fixed to Rs.1500/- to each respondents and subsequently on a revision being filed, it was modified to Rs.1000/-

each to the respondents as an interim protection. Subsequently, the revision was finally dismissed, however, in the meanwhile since the arrears were not paid and petition was filed before this Court, this Court by an order dated 30.07.2018 passed in CRMP No.1454 of 2018 has directed to expedite the proceeding and in the light of that, attachment orders have been passed in respect of the properties. Therefore, learned counsel for the petitioner submits that the petitioner may be given some time to pay the arrears, as he is ailing and undergoing treatment for oral cancer at Bombay.

3. In respect of the CRMP No.330 of 2019, it is submitted that the application has been filed under Section 127 of Cr.P.C. by the petitioner, which is pending since 2015 and the same has not been decided, therefore, some direction may also be given to decide the application within a prescribed time.
4. Having regard to the limited prayer made and taking into the submissions made that the petitioner is undergoing treatment for oral cancer, three months time is granted to the petitioner to pay the entire arrears of dues under maintenance. It is further directed that the application under Section 127 of Cr.P.C. which is pending, the trial Court shall be further obliged to decide the same within a further period of eight months from today.
5. In view of the above, both the petitions stand disposed of.

Sd/-
(Goutam Bhaduri)
Judge