

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 40 of 2019**

- Shiv Kumar Sahu S/o Late Anand Ram Sahu Aged About 31 Years R/o Rishali Basti, Rishali, Police Station Rishali, Bhilai, District Durg CG, At Present Posted As Teacher In Higher Secondary School, Teresara, Police Station Somani, District Rajnandgaon CG

**---- Petitioner****Versus**

- Smt. Bhagwati Sahu W/o Shiv Kumar Sahu Aged About 28 Years Through C/o Hemlal Sahu, R/o Ramnagar, Mukti Dham Supela, Bhilai, Tahsil And District Durg CG

**---- Respondent**


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| For appellant  | : Shri Amit Kumar, Adv. |
| For respondent | : None                  |

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**Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**  
**Hon'ble Shri Sharad Kumar Gupta, Judge**

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**Order On Board****Per : Sharad Kumar Gupta, Judge****15-5-2019**

1. In this review petition challenge is levied to the judgment and decree passed by this Court dated 11-4-2018 in FAM No. 29/2013 whereby and whereunder this Court ordered the petitioner to pay the allowance for maintenance at the rate of Rs. 10,000/- per month to his minor son Jatin Sahu till he attains majority through his mother/guardian/ respondent Smt. Bhagvati Sahu from the date of judgment of the trial Court i.e. 25-3-2013.
2. Counsel for the petitioner submitted that the civil suit was filed by him for declaration that marriage with respondent is null and void and without affording opportunity of hearing to the petitioner, the Court has passed the judgment and decree regarding aforesaid maintenance. Moreover, there was no prayer for such allowance for maintenance for minor child Jatin Sahu.
3. As per Section 26 of the Hindu Marriage Act, a Court can make such provisions in the decree as it thinks just and proper with respect to maintenance of minor children.
4. There is no dispute that the petitioner is father of the minor son Jatin Sahu who is unable to maintain himself. Earlier this Court had already given the finding that petitioner had sufficient means.

5. Looking to the above-mentioned facts and circumstances of the case, it does not appear that any prejudice was caused to the petitioner. Prima facie it does not reveals from the record that this Court has committed any error or mistake apparent on the face of record. Looking to the facts and circumstances of the case, this Court is not inclined to entertain the review petition for final hearing.
6. There is no substance in the review petition. The delay of 263 days in filing the review petition is also not satisfactorily explained.
7. Consequently, I.A. No. 1 application for condonation of delay as well as the review petition are dismissed *in limine*.

**Sd/-**  
**(P.R. Ramachandra Menon)**  
**Chief Justice**

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**