

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No.677 of 2019**

- Mahesh Ganjir, son of Dharmuram Ganjir, aged about 43 years, resident of village Ward No. 8, Sewtatola College Road, Dongargaon, District Rajnandgaon (C.G.)

---- Applicant**Versus**

1. Manti Sahu, daughter of Ramdayal Sahu, aged about 43 years, resident of village and post Belgaon, P.S. and Tahsil Dongargarh, District Rajnandgaon (C.G.) present address- village Mudipar, near Railway Station Ward No. 8, Vikram Nagar, P.S. Somni, Tahsil and District Rajnandgaon (C.G.)
2. State of Chhattisgarh, through Protection Officer Woman and Child Development, District Rajnandgaon (C.G.)

---- Respondents

For Appellant	:	Shri C.R. Sahu, Adv.
For Respondent/State	:	Respondent is present.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****24.07.2019**

1. The present revision has been filed by the applicant against the order dated 20.03.2019 passed by learned Sessions Judge Rajnandgaon C.G. in criminal appeal No. 10/2019, whereby the learned Sessions Judge affirmed the order dated 10.12.2018 passed by Judicial Magistrate First Class Rajnandgaon in Miscellaneous Case No. 20/2017 and rejected the appeal filed under Section 29 of the Protection of Woman From Domestic violence Act filed by the applicant.

2. Before Judicial Magistrate First Class, respondent No. 1 (wife) had filed the application under Section 5 of the Protection of woman From Domestic Violence Act along with an application under Section 23(1) of the Act for grant of interim maintenance during the pendency of the petition, which has been allowed, and granted maintenance

amount of Rs. 2,000/- per month in favour of the respondent No. 1, vide order dated 10.12.2018. Against this, the applicant (husband) filed an appeal before the learned Sessions Judge, Rajnandgaon under Section 29 of the Domestic Violence Act. Learned Sessions Judge vide order dated 20.03.2019, affirmed the order dated 10.12.2018 and dismissed the appeal filed by the applicant. Hence, this revision Petition.

3. Learned counsel for the applicant submits that learned Court below passed the impugned order without any legal ground. The order is contrary to the facts and documents on record, and learned trial Court committed error in passing the interim maintenance against the applicant without deciding the issue of relation between the parties. He further submitted that applicant neither married nor living with her but without any single evidence or any documentary evidence, the Court below decided the case in favour of respondent No.-1. Thus, the order passed by the learned Judicial Magistrate, First Class against the applicant is perverse, against the provision of law and liable to be set aside.

4. Supporting the impugned judgment, learned counsel for the respondent No. 1 (wife) and respondent No. 2 (State) submit that the Courts below are fully justified in awarding the maintenance.

5. Heard learned counsel for the parties and perused the material on record including the impugned judgment.

6. Before learned Judicial Magistrate First Class, respondent No.-1 filed an application under Section 5 of the Protection of Woman from Domestic Violence Act along with application under Section 23(1) of the Act for grant of interim maintenance. The learned Judicial Magistrate, First Class on 10.12.2018 allowed the application under Section 23(1) of the act, filed by the respondent No.-1 and, prima facie, find that applicant and respondent No.1 resided under the same roof for 3-4 months and, on this ground, directed the applicant to pay Rs. 2,000/- per month interim maintenance to respondent No.1.

7. Looking to the facts and circumstances of the case and evidence

available on record, this Court finds that both the Courts below are fully justified in granting the award in favour of the respondent No.1 requiring no interference by this Court

8. Accordingly, this revision has no substance and it is liable to be and is hereby dismissed.

Sd/-
(Rajani Dubey)
JUDGE