

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.662 of 2018**

Amit Dwivedi, S/o Late Shri Arun Dwivedi, aged about 34 years, resident of House No.2/D, Sector 4, Bhilai, P.S. Bhatti, District Durg, Chhattisgarh, at present through Sanjay Ghosh (President) Gokulpur, Post Shyamraipur, District West Midnapur, Khadaglpur, W.B.

---- Applicant

versus

Smt. Shradha Dwivedi, W/o Amit Dwivedi, aged about 31 years, resident of Top of C.G. Gramin Bank, Mangala Road, Bilaspur, P.S. Civil Line, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent

For Applicant	:	Ms. Sunita Sahu, Advocate
For Respondent	:	Shri Amit Kumar, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board**

18.1.2019

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Initially, the Respondent had filed an application under Section 125 of the Code of Criminal Procedure which was registered as M.J.C. No.220 of 2017 and the same was allowed vide order dated 27.9.2017 and thereby *ex parte* order was passed against the Applicant. An application under Section 126(2) of the Code of Criminal Procedure was filed by the Applicant for setting aside the said *ex parte* order. Vide the impugned order dated 11.5.2018 passed in M.J.C. No.456 of 2017, the Family Court, Bilaspur has allowed the said application. However, while allowing the application, it has been ordered that on deposit of Rs.50,000/- in lump sum as maintenance for the Respondent, the said *ex parte*

order shall be set aside. Hence, the instant revision by the Applicant.

3. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
4. In paragraph 9 of the impugned order, it is observed that the Applicant was not afforded opportunity of hearing, therefore, principle of natural justice has been violated and resultantly the *ex parte* order has been set aside. Once the Court below has observed that the principle of natural justice has been violated in the case and, therefore, the *ex parte* order has been set aside, the order for deposit of Rs.50,000/- by the Applicant as lump sum amount of maintenance for the Respondent is not sustainable. Therefore, this part of the order for deposit of Rs.50,000/- by the Applicant is quashed.
5. Accordingly, the revision is disposed of in the aforesaid terms.

Sd/-

(Arvind Singh Chandel)
Judge