

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 517 of 2019**

Ashish Pawar, son of Bhagwan Singh Pawar, aged about 35 years,
Resident of 212, Juhi Apartment, Talpuri Ruabandha, Bhilai,
District Durg, Chhattisgarh.

---- Petitioner**Versus**

Smt. Harshika Singh, wife of Ashish Pawar, aged about 33 years,
resident of quarter No. 2-B, Street No. 42, Sector 7, Bhilai, District
Durg, Chhattisgarh.

--- Respondent

For Petitioner : Mr. Sanjay Kumar Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01.07.2019**

1. This writ petition under Article 227 of the Constitution of India has been preferred against the impugned order dated 27/03/2019, passed by the 3rd Additional Principal Judge, family Court, Durg in M.J.C. case No. 733/2018 wherein Rs. 8,000/- per month has been granted as interim maintenance to the respondent herein on the ground of mutual consent between the parties.
2. Learned counsel for the petitioner submits that no mutual consent was arrived upon by the parties and the impugned order is perverse and is liable to be set aside.
3. I have heard learned counsel for the petitioner, considered his submissions and went through the records with utmost circumspection.

4. In the matter of ***State of Maharashtra Vs. Ramdas Shrinivas Nayak & Anr.***¹, their Lordships of the Supreme Court have held as under:-

“statements of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the judges, to call attention of the very judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there. Of course a party may resile and an Appellate Court may permit him in rare and appropriate cases to resile from a concession on the ground that the concession was made on a wrong appreciation of the law and had led to gross injustice; but, he may not call in question the very fact of making the concession as recorded in the judgment.”

5. In light of the above stated judgment, petitioner is granted the liberty to move suitable application for review/modification of the impugned order which will be considered by the family Court, Durg strictly in accordance with law expeditiously.
6. With the aforesaid observations, this writ petition stands disposed off at the motion stage, without noticing to the other side.

¹ (1982) 2 SCC 463

7. A copy of this order be sent to the concerned family Court by e-mail/fax for compliance and needful. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Hameet