

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 972 of 2018

- Chhatrapal Lahre, S/o Bhaskar Lahre, Aged About 32 Years, Caste- Suryawanshi, R/o- Village- Mehendi, Tahsil- Pamgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

1. Smt. Rajni Lahre, Aged About 25 Years, W/o Chhatrapal Lahre,
2. Somiya, Aged About 2 Years, D/o Chhatrapal Lahre, Minor, Represented Through Mother And Legal Guardian, Smt. Rajni Lahre,

Both are R/o- Village Mehendi, At Present Pandariya, Tahsil- Pamgarh, Police Station- Sheorinarayan, District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Applicant	:	Shri Aditya Khare, Adv.
For Respondent	:	Shri C.P. Lahrey, Adv.

Hon'ble Smt. Justice Rajani Dubey

Order on board

08.08.2019

The applicant has preferred this revision against order dated 03.07.2018, passed by learned Family Court, Janjgir, District Janjgir-Champa, C.G. in MJC No.154/2016 dismissing the application filed by the applicant under Section 125(3) of the Criminal Procedure Code.

2. Facts of the case, in brief, are that the respondents(wife and daughter) have filed an application under Section 125 of the Cr.P.C. before the Family Court. Vide its order dated 30.11.2015, the learned Family Court has allowed the application of respondents and directed the applicant to pay Rs.3,500/- per month to the respondents as maintenance. When, the applicant did not pay any maintenance

amount, the respondents have filed an application under Section 125(3) of the Cr. P.C. against the applicant. The learned Family Court on 03.07.2018, directed to issue a levy warrant for recovery of Rs.86,000/- against the applicant, and it is also directed that if the applicant failed to make any payment, then, he be arrested. Hence, this revision.

3. Learned counsel for the applicant submits that the impugned order dated 03.07.2018 is bad in law, perverse, arbitrary and erroneous, therefore, liable to be set-aside. Learned Family Court has failed to appreciate that the applicant was met with an accident, due to which, his leg got fractured and he is taking bed rest. On 02.05.2018, learned Family Court has issued warrant against the applicant for recovery of Rs.22,000/- towards maintenance of six months and after two months, again Court has issued warrant for recovery of Rs.86,000/- against the applicant, without proper calculation of maintenance amount. The applicant is ready and is willing to deposit the maintenance amount as per correct calculation, so the impugned order dated 03.07.2018, is liable to be set aside.

4. Learned counsel for the respondent supported the impugned order and submitted that the applicant has not obeyed the order of learned Family Court.

5. I have heard counsel for the parties and perused the record to assess the correctness of the impugned order.

6. It is clear from the said order that the applicant did not pay maintenance amount as per Courts order. On 19.06.2018, the applicant has made a prayer for 2 to 4 days before the Court below, for depositing the whole amount of maintenance. The learned Family

Court granted some time to the applicant to deposit the said amount and the case was fixed for his appearance on 03.07.2018. On the date of appearance i.e. 03.07.2018, the applicant did not appear before the said Court and his counsel has prayed for some more time. Again, the learned trial Court has issued levy warrant against the applicant for recovery of Rs.86,000/-. During pendency of this revision, the applicant has deposited some amount before the Family Court and also filed some receipt which has been received from the learned Family Court.

7. The applicant is husband of Respondent No.1 and father of Respondent No.2 and it is the duty of the applicant to maintain his wife and daughter. The applicant did not obey the order of the learned Family Court, so, the order passed by the learned Family Court is just and proper requiring no interference by this Court.

8. Accordingly, the revision has no merit and the same is hereby dismissed.

Sd/-
(Rajani Dubey)
Judge