

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 975 of 2018**

- Anup Kumar Sharma S/o Bhuwan Bhaskar Sharma Aged About 34 Years Present R/o- Vivekanand Nagar, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Sadhna Sharma W/o Anup Kumar Sharma Aged About 32 Years D/o Shri Sharad Kumar Tiwari, R/o- Rajgharana Colony, House No. 50/4, Uslapur Ameri, Bilaspur, Post Mangla, Sakari, District- Bilaspur, Chhattisgarh.
2. Virat Sharma S/o Anup Kumar Sharma Aged About 1 Years Minor Through Natural Guardian Mother Smt. Sadhna Sharma (Resp. No. 1) R/o- Rajgharana Colony, House No. 50/4, Uslapur Ameri, Bilaspur, Post Mangla, Sakari, District- Bilaspur, Chhattisgarh.

---- Non-applicants

For Applicant	:	Shri Manish Nigam, Advocate
For Non-applicants	:	Shri Samir Singh, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****26/08/2019**

Applicant has filed this revision against the order dated 04.09.17 passed in MJC No. 267/2017 whereby the Additional Principal Judge, Family Court, Bilaspur has allowed the application filed by the Non-applicants under Section 125 Cr.P.C. and awarded Rs. 10,000/- and

5,000/- per month as maintenance to the non-applicants.

2. Learned counsel for the applicant submits that it was ex parte order and he has filed application under Section 126 (2) Cr.P.C. before the trial court on 16.05.2018 which is still pending and the execution of order dated 04.09.17 is also pending before the trial court and learned trial court issued non-bailable warrant against the applicant on 01.08.19. Counsel for the applicant submits that this order is illegal and stay may be granted in favour of the applicant against the said order.

3. Counsel for the respondent opposes the prayer of the applicant and submits that the applicant has not deposited the amount of maintenance of Rs. 4,50,000/- (due) and therefore warrant of arrest has been issued against him which is in accordance with law.

4. Heard counsel for the parties and perused the material available on record.

5. Looking to the fact that the order dated 04.09.17 is an ex parte order and against this order, the applicant has filed application under Section 126 (2) Cr.P.C. which is still pending before the Family Court, it is directed that the trial court shall decide the said application as expeditiously as possible preferably within a period of two months from the date of receipt of copy of this order. Records of the court below be sent back forthwith.

6. Till the application under Section 126 (2) Cr.P.C. is decided, the proceedings of arrest warrant against the applicant shall remain stayed. However, the trial court is free to decide and fix the amount of

interim maintenance.

With the aforesaid direction, revision stands dismissed.

Sd/-0

(Rajani Dubey)
Judge