

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1130 of 2019

Barkha Sarraf, W/o. Vivek Sarraf, Aged About 24 Years, R/o. Piyush Nagar,
Near Malsay Pond, Kushalpur Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

Vivek Sarraf, S/o. Basant Sarraf, Aged About 35 Years, R/o. Kondagali,
Infront Of Balak School, House - 104, Nayapara, Baloudabazar, District
Baloudabazar Chhattisgarh.

-----Respondent

For Applicant	: Mr. Rahim Ubawani, Advocate
For Respondent	: Mr. Arati Chand Dutta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/12/2019

1. This revision petition has been brought being aggrieved by the order dated 17.06.2019, passed by the learned Family Court on Case No.256 of 2018.
2. It is submitted by the learned counsel for the applicant that the learned Family Court has held in the impugned order that the applicant is capable to maintain herself because of which interim maintenance application has been rejected, whereas, this has been brought to the notice of the Court that the applicant, who was working as Data Entry Operator on contract basis was being

proceeded against for removal from her service, despite that her prayer has been dismissed. In the subsequent development, the applicant has been removed from the service by order dated 18.07.2019, therefore, the applicant was entitled for grant of interim maintenance.

3. Counsel for the respondent opposes the petition and the submission made in this respect. It is submitted that the impugned order is order of interim nature, which can not be considered in this revision petition, as revision of interim order is not allowed under Section 397 (2) of Cr.P.C. Further the applicant is capable to maintain herself, which has been rightly observed and held by the learned Family Court in the impugned order, therefore, the petition has no substance, which may be dismissed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On perusal of the impugned order, it is found that the learned Family Court has observed that notice have been issued to the applicant that she has not presented herself on duty because of which her department had issued notice to show cause why her services should not be terminated, however, on the date of passing that order on 17.06.2019, the applicant was not removed from service and her removal has taken place on 18.07.2019 and the order is annexed as Annexure P-2. Therefore, it appears that there is change in circumstances, which also needs to be taken into consideration. Hence, this petition is disposed off at motion stage. The impugned order is set-aside and the application filed by the

petitioner is restored to its file. It is ordered that the learned Family Court shall after affording opportunity to both the parties consider again on the application in light of the present circumstances and pass order in accordance with law as early as possible preferably within a period of one month. It is also made clear that learned Family Court should not be bound by any observation made in this order.

6. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram