

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 121 of 2020

1. Savita Sahu W/o Shri Dileshwar Sahu Aged About 23 Years
2. Kunal Sahu S/o Shri Dileshwar Sahu, Aged About 1 ½ Years,

Respondent No.2 is Minor Through His Legal Guardian Mother Smt. Savita Sahu, R/o Shiv Nagar (Raumgahra), Police Station Balco, Tahsil Korba, Civil And Revenue District Korba, Chhattisgarh.

At Present R/o Shankar Nagar, Ward No. 8, Janjgir, Police Station And Tahsil Janjgir, Civil And Revenue District Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

Dileshwar Sahu S/o Shri Daras Ram Sahu Aged About 27 Years R/o Shiv Nagar (Rumgarha), Police Station Baloc, Tahsil Korba, Civil And Revenue District Korba, Chhattisgarh.

---- Respondent

For Applicants : Shri Paras Mani Shriwas, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-01-2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 22.11.2019 passed by the Learned Family Court, District Janjgir-Champa.
2. It is submitted by counsel for the applicants that the date 22.11.2019 was fixed for counseling in which on the basis of the agreement between the parties, the learned Family Court closed the proceedings on the basis of compromise and also directed that the parties are at liberty to conduct the DNA test regarding the parentage of the child to resolve the dispute finally. It is further submitted that despite the compromise and the willingness expressed by the respondent's side to have the applicants back in his family, he is not complying with that

condition and it was only because of that compromise the application of the applicants under Section 125 of the Cr.P.C. was disposed off by the learned MACT.

3. Considering the submissions made by counsel for the applicants, it is observed that as the respondent has not complied with the terms of compromise, the applicants are at liberty to file a repeat application under Section 125 of the Cr.P.C. and pray for maintenance in accordance with law. Therefore, the petition is disposed off at motion stage and the applicants have liberty to file a repeat application under Section 125 of the Cr.P.C. and also the Family Court is directed to consider the same in accordance with law.

Sd/-

(Rajendra Chandra Singh Samant)
Judge