

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.433 of 2020

- Smt. Anju Bandhi W/o Santosh Bandhi Aged About 21 Years D/o Ramdas Kurre, Caste Satnami, R/o Presently Residing At Village Pipartarai, Police Station Kota, District Bilaspur Chhattisgarh

---- Applicant

Versus

- Santosh Bandhi S/o Parmeshwar @ Polo Bandhi Aged About 22 Years R/o Village Kosa, Police Station Mulmula, District Janjgir Champa Chhattisgarh

---- Non-applicant

For Applicant : Mr. N.K. Chatterjee, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 13.01.2020, passed in M.J.C. No.826/2019, by learned Principal Judge, Family Court, Bilaspur, District- Bilaspur, C.G., by which the application filed by the applicant for grant of interim maintenance under Section 125 of Cr.P.C. has been dismissed.
2. It is submitted that the impugned order suffers from grave infirmity which does not mention any specific reason for dismissal of the application, therefore, the principle on which the interim maintenance is granted have not at all been followed and the impugned order needs interference.
3. On perusal of the impugned order, it is found that the order passed is not at all a speaking order. The learned Family Court has appreciated

the statement in reply filed by the respondent and held that marriage is disputed. At the stage of grant of interim maintenance, the learned Family Court has only to hold whether a prima-facie case is made out not in favour of the applicant and for that the pleadings made by the applicant side and the respondent side both have to be appreciated and a conclusion has to be drawn on that basis. The impugned order appears to be summary dismissal of the application filed by the applicant and it cannot be said that it is a speaking order. Therefore, only for this reason, this petition is disposed off at motion stage. The impugned order is set aside. The application filed by the applicant for grant of interim maintenance is restored. The learned Family Court is directed to reconsider on the same. After giving the opportunity of hearing to both the parties and pass a reasoned and lawful order accordingly.

4. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge