

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No. 340 of 2019

- Smt. Neetu Tiwari W/o Shri Chandrashekar Tiwari, Aged About 29 Years R/o Village Paharia, Tahsil and Police Station - Baloda, District - Janjgir Champa Chhattisgarh, Presently Residing at House No.LIG 145 Deendayal Colony, Bahatarai, Police Station Sarkanda District Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

- Chandrashekar Tiwari S/o Late Ravtishnkar Tiwari Aged About 32 Years R/o Village - Jaraundha, Police Station - Takhatpur, District Bilaspur Chhattisgarh.

---- **Respondent**

For Petitioner	: Mr. P.R. Patankar, Advocate.
For Respondent	: None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

02.01.2020

1. This petition has been brought being aggrieved by the impugned order dated 10.01.2019 passed by the Principal Judge Family Court, Bilaspur, dismissing the application of the petitioner for grant of interim maintenance.
2. It is submitted that the learned Family Court has observed in the impugned order that specific allegations of cruelty have been made by the petitioner against the respondent, even then her application has been rejected only on the ground that she has not made any complaint to any police station or other authority. The learned Family Court has very clearly overlooked the statement made by the petitioner in Paragraph No.8 of her application filed under Section 125 of the Cr.P.C, that she had filed a complaint in Mahila Thana, Bilaspur on 04.05.2018. She had also made a complaint to the police on other subsequent dates, which have not been taken note of by the learned Court, therefore, the order impugned suffers from infirmity and the same is unsustainable.

3. I have heard the learned counsel for the petitioner and perused the records.
4. Taking into consideration the facts and circumstances of the case, application filed by the petitioner and also other documents, I am of this view that the learned family Court is required to reconsider the application for grant of interim maintenance to the petitioner and to pass an appropriate order afresh.
5. Consequently, the petition is allowed at motion stage and the impugned order is set aside, the application for grant of interim maintenance filed by the petitioner is restored to its file and the learned Family Court is directed to reconsider the application for grant of interim maintenance, by affording opportunity of hearing to the parties and pass appropriate order afresh in accordance with law.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Jamal