

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2172 of 2019**

1. Smt. Manju (Rukhma), W/o Tumendra Kumar, Aged About 24 Years D/o Ram Lal Sahu, R/o Ward No.1, Nayapara, Durg, District- Durg, Chhattisgarh.
2. Ku. Nikita Sahu, D/o Smt. Manju (Rukhma), Aged About 7 Years, Being a Minor is represented through her natural guardian mother Namely Smt. Manju (Rukhma), R/o Ward No.1, Nayapara, Durg, District- Durg, Chhattisgarh.

---- Applicants**Versus**

- Tumendra Kumar, S/o Hublal Sahu, Aged About 26 Years, R/o Village Machandur, District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jitendera Gupta, Adv.
For Respondent	: Mr. Prasoon Agrawal, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

1. Heard on Admission.
2. This petition is filed under Section 482 of Cr.P.C. for recalling of order dated 04.07.2019 passed in Criminal Revision No. 34/2019.
3. Learned counsel for the applicants submits that vide order dated 04.07.2019 in CRR No. 34/2019, this Court has allowed the revision petition of the respondents in part and set aside the order dated 04.07.2019 in favour of respondent No. 1 and enhanced the maintenance amount in favour of respondent No. 2. He further submits that respondent/husband filed CRR No.

34/2019 in this case notices have been served but applicants (respondents in CRR No. 34/2019) could not be able to remain present during the course of hearing of the case and since on account of which, there was no representation on behalf of wife and daughter before this Court and as such on account of which, they could not be able to engage the counsel for their representation before this Court and this Court passed an order dated 04.07.2019, this order suffers from illegality because there was no representation on behalf of applicants so, this order deserves to be set aside.

4. Learned counsel for the respondent opposes the prayer.
5. Heard learned counsel for both the parties and perused the material available on record and record of CRR No. 34/2019.
6. In CRR No. 34/2019, this Court issued notices to respondents (applicants in this petition) vide order dated 11.01.2019. Notices were received by petitioner No. 1 (Manju Sahu) on 24.01.2019 on behalf of herself and on behalf of her minor daughter (Nikita Sahu).
7. The matter was listed on 11.04.2019, however, no one appeared on behalf of applicants and again matter was listed on 02.05.2019 but none appeared on behalf of applicants (respondents in CRR No. 34/2019). The Court further adjourned the matter after summer vacation, thereafter the case was listed on 04.07.2019 again no one appeared on behalf of applicants (respondents in CRR No. 34/2019).
8. Keeping in view the above facts and circumstances, this Court is

satisfied that notices were duly served and sufficient opportunity has been provided to the applicants to appear before this Court and contest the matter but the applicants choose to let the matter to proceed *ex parte*. This order was passed after perusal of the material available on record. So, the grounds for recall of the order are devoid of any merit.

9. Accordingly, this petition is dismissed at motion stage itself.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi