

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1271 of 2019

- Umranarayan Singh @ Ugranarayan Singh S/o Shri Shani Kumar Singh, Aged About 44 Years, R/o Village- Ugyanw Chowki, Ramgarh, Police Station - Sonhat, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh Non-applicant

---- Applicant

Versus

- Geeta Singh D/o. Late Shri Awadh Singh, Aged About 30 Years, R/o. Village Ramgarh, Police Station - Sonhat, District Korea Chhattisgarh. Presently Resided At - Behind Carmel Convent School, Mahadevpara, Village Keshav Nagar (House of Pappu Jha), P.S. Bishrampur, Tahsil and District Surajpur Chhattisgarh., Chhattisgarh Applicant

--- Non-applicant/Respondent

For Applicant– Shri A.N. Bhakta, Advocate

For Non-applicant/Respondent – Shri Shakti Raj Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-03-2020

1. This criminal revision has been brought being aggrieved by the order dated 25-09-2019 passed in Criminal Appeal No.28/2019 by the Second Additional Sessions Judge Surajpur, Chhattisgarh dismissing the appeal filed against the order of the JMFC Surajpur dated 16-07-2019.

2. The respondent/non-applicant has filed an application before the Court of JMFC Surajpur praying reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005. By order dated 16-07-2019 the learned JMFC decided the application for interim maintenance and ordered the applicant to pay interim maintenance of Rs.3000/- per month until disposal of the case pending before it. This order was challenged in the criminal appeal and the appellate Court has dismissed the same.

3. It is submitted by learned counsel for the applicant that the applicant and the respondent had never been in any domestic relationship. The applicant is a married person. Reliance has been placed on the judgment of Hon'ble the Supreme Court in the matter of **Indra Sarma v. V.K.V. Sarma**, (2013) 15 SCC 755 it is submitted that live-in relationship between married man and unmarried

woman is not a relationship in the nature of marriage as defined under Section 2(f) of the Protection of Women from Domestic Violence Act and if any monetary relief is given in such a case to the woman in such relationship, that would be at the cost of the legally wedded wife and children of such man. Therefore, it is prayed that the petition be allowed.

4. Learned counsel for the respondent opposes the submission and submits that the order that has been passed is just an order on interim basis and the matter is yet to be enquired as to the nature of the relationship between the applicant and the respondent. The applicant has raised new fact before the Court that he has already married having children, whereas, the respondent claimed that she has been exploited since the time when she was minor and the applicant had performed marriage with her in temple. Therefore, rival contentions need to be examined by the learned JMFC. Hence, there is no ground for interference in the impugned order.

5. Heard learned counsel for the parties and perused the documents.

6. The ground that has been raised by the applicant that he had no relationship with the respondent/non-applicant which can be defined under Section 2(f) of the Protection of Women from Domestic Violence Act needs to be examined in detail, therefore, making any comment on this issue in this order would amount to giving direction to the Court before which the proceeding is pending for determination. Apart from that, it is just an order of interim maintenance. On the basis of the facts present before the Court learned JMFC and learned appellate Court have passed the orders which cannot be said to be erroneous, illegal or incorrect. Therefore, I do not find any reason to interfere in the impugned order and the order passed by learned JMFC. Consequently, this revision petition is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge