

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 999 of 2019

- Shamsheer Mansuri S/o Mohd. Nasirruddeen Mansuri Aged About 42 Years R/o Mahagaon, Ward No. 02, P. O. Surajpur, P. S. Jainagar, District Surajpur Chhattisgarh.

---- Petitioner

Versus

1. Sabina Mansuri, W/o Shamsheer Mansuri, Aged About 42 Years, R/o Bhaiyathan Road, Ward No.07, Surajpur P. S. Surajpur, District-Surajpur, Chhattisgarh.
2. The Principal Government High School, Soranga, P. S. Patna, Tahsil Baikunthpur, District-Koriya, Chhattisgarh.

---- Respondents

For petitioner	:	Mr. Jaiprakash Shukla, Advocate.
For respondents	:	None.

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

07/02/2020

1. This petition has been brought being aggrieved by issuance of Memo dated 27.8.2019 by the Court of learned Judicial Magistrate 1st Class, Surajpur thereby directing respondent No.2 to attach Rs.9,000/- per month from the salary of petitioner.
2. It is submitted that the learned JMFC vide order dated 23.10.2018 passed in Miscellaneous Criminal Case No.60/2018 ordered for payment of interim maintenance to the daughters of respondent No.1 and according to that order, the total amount of interim maintenance is Rs.6,000/-. However, the memo that has been issued to respondent No.2- Principal, Government High School, Soranga, where the petitioner is posted, is to the effect that Rs.9,000/- be attached and deducted per month from the salary of the petitioner and deposited in the account of respondent No.1. Therefore, the impugned memo is not in accordance with the order granting interim maintenance and as such, the same is liable to be set aside.

3. Perusal of the order dated 23.2.2018 reflects that the Court below had ordered for payment of Rs.6,000/- per month as interim maintenance to two daughters of respondent No.1. The impugned memo dated 27.8.2019 does not, in any manner, explain as to for what reason the learned Court has ordered for attachment of Rs.9,000/- per month from the salary of petitioner. In such a situation, I am of this view that the impugned memo needs correction.
4. Accordingly, this petition is allowed. Impugned Memo bearing No.K/JMFC/2019, Surajpur dated-27.8.2019 is hereby quashed and learned JMFC is directed to issue a fresh memo in accordance with the order granting interim maintenance to the daughters of respondent No.1. It is made clear that the learned JMFC will be at liberty to proceed with any other application, which may be filed by respondent No.1, with respect to claim of arrears of maintenance, which may not have been realized from the petitioner.

Sd/-
(Rajendra Chandra Singh Samant)
Judge