

HIGH COURT OF CHHATTISGARH, BILASPURREVP No. 44 of 2021

Mukhtar Singh Son Of Karam Singh Aged About 40 Years (Now Aged About 46 Years) R/o. Sector- 6, Street No. 65, 31-D, Bhilai, Tahsil And Police Station Bhilai, District : Durg, Chhattisgarh

---- **Petitioner**

Versus

Rajendra Kaur Wife Of Mukhtar Singh Aged About 37 Years (Now Aged About 43 Years), R/o. Village Kurud, Dhancha Bhawan, House No. 558, Kohka, Bhilai, Tahsil And District Durg (Chhattisgarh), Through Principal Nalanda Higher Secondary School (English Medium), Housing Board, Durg, Bhilai, Tahsil And District Durg (Chhattisgarh)

--- **Respondent**

For Petitioner : Mr. Ganesh Ram Burman, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board by Manindra Mohan Shrivastava, J.

09.06.2021

1. Heard on prayer for condonation of delay in filing review petition. There is delay of 529 days, we find that aggrieved by the order passed on 29.07.2019 in FAM 179/2015, the appellant had approached the Supreme Court and the petition was withdrawn on 06.01.2020. This review petition has been filed as late as on 08.02.2021 i.e. after more than one year. There is no explanation for the said period of delay.
2. Taking into consideration the extra ordinary pandemic situation, we inclined to take a liberal view and condone the delay in filing this review petition. Accordingly, delay in filing review petition is condoned.
3. Also, heard on prayer for review of the order.
4. Learned counsel for the appellant would submit that a specific ground was taken during the course of argument that without there being any specific material available on record and without making any inquiry with

regard to the financial status and capacity of the respondent/wife to earn her own livelihood, the appellant was saddled with huge amount of Rs. 15 lakhs but this has not been taken into consideration.

5. The argument is as misconceived as it could be. The argument in this regard has been specifically considered by this Court in Para 10 of the order wherein this Court took into consideration that the appellant is employed and is getting about Rs.40,000/- to Rs.50,000/- per month. Even during the course of argument no material could be placed by the appellant in person to satisfy this Court that later on he has lose his employment or that he was earning lesser than Rs.40,000/-. This Court also took into consideration that the petitioner had no liability to maintain any other person as the applicant and non-applicant/wife had no issue. Further this Court had taken into consideration that the age of the wife is 37 years and there is no evidence to show that she was earning or she had sufficient financial source to maintain herself. Based on these considerations, this Court did not consider it fit to interfere with the order passed by Family Court awarding Rs.15 lakhs to wife.

6. Even then on the prayer made by the applicant who had appeared in person, the payment conditions were eased in the manner that the amount of Rs.15 lakhs may be paid by the applicant in three equal installments over a period of three years.

7. In view of above consideration and the material available on record, we are of the considered view that the review petition is mis-conceived both in law as well as on facts. It appears to be that the appeal in disguise. The applicant does not seem to be have any intention to pay his divorced wife.

8. This review petition is a frivolous one and is therefore dismissed with cost of Rs.10,000/- payable by the applicant to respondent. The applicant

shall submit certificate of payment of cost of Rs.10,000/- to the wife before the Registrar of this Court.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge