

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 133 of 2021

Smt. Ranjeeta Ramtake, W/o Devpriya Ramtake, Aged About 28 Years, At present R/o Village- Mahud, Post, P.S. and Tahsil- Ambagarh Chowki, District- Rajnandgaon (C.G.)

--- Applicant

Versus

Devpriya Ramtake, S/o Late Keshavram Ramtake, Aged About 39 Years, R/o Basantpur Rajiv Nagar Ward No. 42, P.S.- Basantpur, Tahsil and District- Rajnandgaon (C.G.)

--- Respondent

For Applicant : Mr. Rakesh Thakur, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/03/2021

1. Heard.
2. This revision petition has been preferred against order dated 05.01.2021 passed by the learned Additional Sessions Judge, Rajnandgaon, District- Rajnandgaon (C.G.) in Criminal Revision No. 59/2020, in which, the order of the learned Judicial Magistrate First Class, Ambagarh Chowki, District- Rajnandgaon (C.G.), directing for payment of arrears of interim maintenance to the applicant as a condition for allowing the application for setting aside the exparte proceeding, was modified and the condition as mentioned in the order of the Judicial Magistrate First Class, was set aside.
3. The order under challenge is an interlocutory order and apart

from that, the order of the interim maintenance can be executed by the court concerned on any application filed by the applicant under Section 125 (3) of the Cr.P.C., therefore, this petition cannot be entertained in accordance with Section 397 (2) of the Cr.P.C., therefore, it is disposed of at motion stage.

4. However, the applicant shall be at liberty to file application under Section 125 (3) of the Cr.P.C. for recovery of the arrears of the interim maintenance before the Court of learned Judicial Magistrate First Class, Ambagarh Chowki, District- Rajnandgaon (C.G.).
5. In view of the above, the instant revision petition stands disposed of at motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge