

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 18 of 2021

- Harjeet Kaur W/o Rinku @ Balvinder Singh Bhatia, Aged About 34 Years R/o Quarter No. L - 121, Yadunandan Nagar, Bilaspur, Tahsil And District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Appellant.

Versus

- Rinku @ Balvinder Singh Bhatia S/o Late Harbansh Singh Bhatia, Aged About 36 Years R/o Transport Nagar, Korba, District - Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent.

For the Appellant :-	Mr. Shahid Ahmed Ansari, Adv.
For the respondent :-	None.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava, J.
05.07.2021

Heard.

2. This appeal has been filed after a delay of more than six and a half years, aggrieved by decree of divorce dated 04.07.2013 passed by the Family Court, Bilaspur in Civil Suit No.13-A/2013 on the basis of mutual consent between the parties.

The decree was passed by the Family Court on the basis of mutual consent of the parties. The appellant has sought to challenge the order passed long back seeking a decree for payment of permanent alimony to the tune of Rs.30 Lacs in her favour. This is not an appeal on behalf of the child. The cause shown for condonation of delay is that the meager amount of Rs.1.15 Lacs awarded for specific purpose of maintenance of the child Ku. Gungun @ Spreet Kaur, is not sufficient for the daughter.

3. We find that an application under Section 125 Cr.P.C. was earlier filed which has been allowed in favour of the child Gungun @ Spreet Kaur vide order dated 12.04.2018 by which the Family Court has awarded Rs.9000/- per month for the child.

4. The cause shown for delay in filling the appeal is factually incorrect and in the garb of interest of the child the mother seeks to raise the amount of alimony awarded to her under the impugned judgment which is based on mutual consent between the parties.

5. For the above reason, there is no sufficient cause shown for condoning the delay. In the result, application for condonation of delay is rejected and the appeal is also **dismissed** as barred by limitation.

Before parting with the case, we must make it clear that this was an appeal filed by the appellant who is the divorced wife of respondent and this order shall not come in the way of child Gungun @ Spreet Kaur in seeking enforcement of her rights, as are available to her under the law.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay