

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 261 of 2020

Madhuri @ Madhu @ Harshita D/o Ram Gopal Sahu Aged About 26 Years R/o Kotarimal P. S. And Tahsil Gharghoda, District Raigarh Chhattisgarh Presently R/o Nawapara, Behind Kisan Rice Mill, Jutmil, Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

Harendra Kumar Sahu S/o Sakharam Sahu Aged About 30 Years R/o Kotarimal, Tahsil Gharghoda, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Shri Rakesh Pandey and Shri Dashrath Prajapati, Advocates.
For Respondent	: Shri Ashish Gupta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-3-2021

Heard.

1. This criminal revision petition has been brought challenging the order dated 2.1.2020 passed by the learned Family Court, Raigarh in Criminal MJC No. F123 of 2019, dismissing the application for grant of interim maintenance in the proceedings under Section 125 of the Cr.P.C.
2. Heard counsel for both the parties.
3. Considered the submissions. The reason given in the impugned order rejecting the application for interim relief is that the applicant is already getting interim maintenance of Rs.3,000/- per month in a separate proceeding filed by her, under provisions of Protection of Women from Domestic Violence Act, 2005 (for short 'the PWD Act'). On perusal of the copy of the application for interim maintenance, it is found that the other proceeding under the PWD Act and also the grant of maintenance in that proceeding is not mentioned.

4. Taking into consideration this fact that the applicant has to give sufficient reason in the application for interim maintenance, mentioning the grant of interim maintenance in her favour in the parallel proceeding and also the requirement of further interim maintenance in the present proceeding so that the learned Family Court shall be able to consider about sufficiency or insufficiency of the interim maintenance, from which the applicant is already benefited. Hence, the petition is disposed off at motion stage. The applicant is given liberty to file a repeat application for grant of interim maintenance mentioning all the reasons as mentioned herein-above. Learned Family Court is also directed to consider on the repeat application filed by the applicant in accordance with law after giving opportunity of hearing.
5. Accordingly, the revision petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi