

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPCR No. 677 of 2021

1. Smt. Lakhmi W/o Sampat Nag, Aged About 40 Years, Caste Bhatra.
 2. Sushmita D/o Sampat Nag, Aged About 17 Years, Caste Sarva.
 3. Kharen S/o Sampat Nag, Aged About 13 Years, Caste Sarva.
- Petitioner Nos.2 & 3 are minors through their natural guardian mother Smt. Lakhmi W/o Sampat Nag. All are R/o: Awas Plot Para, Village Pithapur, Tahsil -Bakawand, District Bastar, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, Department of Home Affairs (Police), Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
2. Superintendent of Police, Bakawand, District Bastar, Chhattisgarh.
3. Station House Officer Police Station Bakawand, District Bastar, Chhattisgarh.
4. Sampat Nag S/o Chandar Nag, Aged About 26 Years, Caste Sarva, R/o Awas Plot Para, Village Pithapur, Tahsil Bakawand, District Bastar, Chhattisgarh.

--- Respondent

For Petitioners	: Mr. Punit Ruparel, Advocate.
For State	: Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25/10/2021

Heard.

1. Learned counsel for the petitioners submits that on 15.05.19 learned Family Court Jagdalpur, District -Baster (CG) allowed application filed under Section 125 of Cr.P.C for grant of maintenance, awarded Rs.4,500/- per month as maintenance to petitioners to be paid by respondent No.4-(husband) of Petitioner No.1). Respondent No.4 has paid part of amount towards maintenance as ordered, but is not making payment continuously, hence, a direction be issued to Family Court concerned for taking effective steps to ensure compliance of order of maintenance.
2. Perusal of records would show that after passing of order under Section 125 of Cr.P.C. granting maintenance in favour of petitioners, she has moved an application for execution of order before Court of Competent Jurisdiction initially in the year 2019 itself. Vide order dated 07.02.2020, learned Family Court has

ordered that out of total arrears of amount of Rs.43,133/-, as on date of consideration of application, respondent No.4 has only paid Rs.3,500/- and further passed order of attachment of movable property of respondent No.4 for recovery of balance amount of Rs.39,633/-. Thereafter petitioner filed an application before Family Court for recovery of balance amount and vide order dated 09.08.21 the Family Court has observed that out of total balance amount of Rs.39,633/-, Rs.15,500/- was deposited and still Rs.24,133/- is outstanding. Respondent No.4 has deposited Rs.19,000/-, and there was further direction to deposit Rs.9,000/- within a period of 15 days. Thereafter balance amount within further 15 days.

3. Undisputedly, occupation of respondent No.4 is of 'labourer'. Learned Family Court considering crisis of Covid-19 Pandemic period has taken pragmatic view of the matter.
4. Learned counsel for petitioners has not disputed that respondent No.4 has deposited some portion of amount. He could not be able to point out as to what happened after passing of order dated 09.08.21.
5. In view of aforementioned facts and circumstances of case, direction issued by Family Court, I do not find any merit in this writ petition for issuing any direction at this stage.
6. Accordingly, writ petition stands dismissed.

Sd/-
(Parth Prateem Sahu)
 Judge

Jamal/-