

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 1125 of 2019**

- Dr. Sheikh Shahid, S/o - Late Sheikh Majid, Aged About 42 Years, R/o - Near Bajrang Akhara, Behind Head Post Office, Chatapara, Bilaspur, Tahsil Bilaspur and Civil and Revenue District-Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

- Smt. Shahina Tarannum, D/o - Iqbal Hussain, Aged About 30 Years, R/o - Mudapar, Near Subhash Block Post Office Korba Chhattisgarh, District : Korba, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. K.A. Ansari, Sr. Advocate with Ms. Meera Ansari, Advocate.  
For Respondent : Mr. Pradeep Kumar Singh, Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**07/01/2021**

Heard.

1. Challenge in this revision petition is to the order dated 26.8.2019 passed by the Judge, Family Court Korba in M.J.C. No.3/2019.
2. The applicant herein is the respondent in the proceeding mentioned herein above. The respondent in this case has filed an application under Section 125 CrPC and a separate application was filed for grant of interim maintenance which had been decided by the impugned order directing the applicant to make payment of Rs.5,000/- as interim maintenance until the final disposal of the proceeding.
3. It is submitted by the counsel for applicant that the applicant was not given any opportunity of hearing before passing of this order. The date of 26.8.2019 was also not fixed for argument on this application, hence, the order passed is erroneous. The applicant has material to show that the respondent has no entitlement to receive any maintenance from him. Relying on the order dated 26.11.2019 passed

by this Court in WP227 No.852/2019, it is submitted that in a similar matter this Court had observed, that the petitioner was unable to represent his case on the ground of law and also unable to defend himself on the grounds of fact therefore the case was remanded. It is submitted that Rule 14 of the Family Court Rules, 2002 provides that the Court may permit the parties to be represented by a lawyer, therefore, this applicant may be given one opportunity to present his case. Therefore, it is prayed that the impugned order be set aside and the case be remanded back to the learned Family Court for fresh decision on the application for grant of interim maintenance.

4. Learned counsel for respondent opposes the revision petition and the submissions made in this respect. It is submitted that the applicant had been given ample opportunities to present his case before and at the time of passing of impugned order, therefore, the opportunity of hearing has been availed by the applicant. Hence, the applicant cannot resort to such ground later on only for the reason that the order passed has been against his interest. Revision petition is not filed on bonafide grounds which may be dismissed.
5. I have heard both the parties.
6. Considered on the submissions and also perused the petition and the documents filed along with the petition.
7. On perusal of the impugned order dated 26.8.2019, it is found that the presence of respondent is mentioned in the order. The case was presented by the parties themselves. The respondent/applicant presented her case and the applicant, who was respondent therein, presented his case. Presentation of the applicant finds mentioned in the order and subsequent to which in order after giving consideration to the same, the order of interim maintenance was passed.
8. On perusal of the complete order-sheets which are filed, it is seen that from the very beginning until the date on which impugned order was passed, the applicant never made a prayer under Rule 14 of the Rules 2002 for grant of permission to take assistance of lawyer in the Court, therefore, I am of this view that the ground raised in this revision petition appears to be without any substance, hence, this revision

petition is liable to be dismissed.

9. Accordingly, the revision petition is dismissed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

**Nisha**