

(2019) 02 CHH CK 0311

Chhattisgarh High Court

Case No: Criminal Revision No. 956 Of 2018

Dr. Babulal Tiwari

APPELLANT

Vs

Pratima Tiwari And Ors

RESPONDENT

Date of Decision: Feb. 19, 2019

Acts Referred:

- Hindu Marriage Act, 1955 - Section 13, 24
- Code Of Criminal Procedure, 1973 - Section 125

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Tarendra Kumar Jha, Achyut Tiwari

Final Decision: Disposed Of

Judgement

Arvind Singh Chandel, J

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.

2. Facts of the case, in brief, are that the Applicant/husband filed a suit under Section 13 of the Hindu Marriage Act against Respondent No.1/wife

before the Family Court No.2, Nagpur for dissolution of their marriage which was solemnised on 27.5.2011. In the said proceeding, Respondent

No.1/wife filed an application under Section 24 of the Hindu Marriage Act. Vide order dated 19.5.2018, the Family Court, Nagpur granted Rs.3,000/-

per month in favour of Respondent No.1/wife and Rs.2,500/- per month in favour of Respondent No.2/daughter as maintenance pendente lite. A

separate application for maintenance under Section 125 of the Code of Criminal Procedure, being Case No.628 of 2017, was filed by Respondent

No.1/wife before the Family Court, Raipur. Vide the impugned order dated 10.7.2018, the Family Court, Raipur, granted interim maintenance of

Rs.5,000/- per month in favour of Respondent No.1/wife and that of Rs.3,000/- per month in favour of Respondent No.2/daughter. Hence, the instant

revision has been preferred by the husband/Applicant.

3. Learned Counsel appearing for both the parties jointly submit that two different orders granting interim maintenance in favour of the Respondents

have been passed by the two Family Courts of Nagpur and Raipur, but, in accordance with law, out of the two, only one order can prevail. Learned

Counsel appearing for both the parties have agreed that the order of the Family Court, Raipur granting interim maintenance in favour of the

Respondents may be ordered to prevail and the Respondents may be granted liberty to file an appropriate application before the Family Court, Nagpur

for claiming travelling expenses etc. for appearance before that Court in the matter pending there under Section 13 of the Hindu Marriage Act.

4. Taking into consideration the joint submission made by Learned Counsel for the parties, it is directed that the order of the Family Court, Raipur

granting interim maintenance of total Rs.8,000/- per month in favour of the Respondents shall only prevail and the Respondents shall be at liberty to

move an appropriate application before the Family Court, Nagpur for claiming travelling expenses etc. for appearance before that Court in the matter

pending there under Section 13 of the Hindu Marriage Act.

5. Consequently, the revision is disposed of in the aforesaid terms.