

ishwar Vs. Ramkanyabai

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Court : Madhya Pradesh

Decided On : Nov-24-1992

Reported in : II(1993)DMC602

Judge : R.D. Shukla, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 125 and 482

Appeal No. : M. Cr. C. 644 of 1992

Appellant : ishwar

Respondent : Ramkanyabai

Advocate for Def. : Nemo

Advocate for Pet/Ap. : A.H. Khan, Adv.

Disposition : Petition dismissed

Judgement :

R.D. Shukla, J.

1. This revision is directed against the judgment and order dated 1.2.92 passed by the learned Sessions Judge Dewas in Criminal Revision No. 37/91, whereby the petitioner's revision against the grant of maintenance to his wife (respondent here) has been dismissed;

2. Brief story of the case is that the respondent filed an application before the Trial Court that she is unable to maintain herself and the non-applicant (petitioner here) refused to maintain her. It appears that during the pendency of the maintenance application, this petitioner performed a second marriage. This fact was taken into consideration on an application made by the wife-respondent. The revision against the said order was filed by the petitioner, that too has been dismissed as referred above. Hence, this petition Under Section 482 Cr.P.C. There is a bar of Second Revision, and the bar of Second Revision cannot be circumvented by filing a petition Under Section 482 Cr.P.C. So far as the grant of maintenance allowance is concerned, that cannot be objected by way of this petition. Reference may be had to the case reported in 1990 Supreme Court Case P. 132.

3. Learned Counsel for the petitioner submitted that in this case, respondent has been granted maintenance allowance from the date of the order of the lower Court. This petitioner was paying interim maintenance allowance from November 1988. This fact has been brought to the notice of the revisional Court. But the revisional Court did not give any decision on it. The objection about the adjustment of amount can be taken before the execution Court i. e. the Court which granted maintenance allowance. It appears that this objection was not taken before the Executing Court, and it was for that reason that the revisional Court did not give any decision on it. I hope and trust that if this objection is taken before the executing Court, the matter with all its facts shall be taken into consideration and shall be decided according to law.

4. Subject to the above observation, this petition is dismissed, without notice to the other side.