

Madulal Vs. Sarojini Devi

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SooperKanoon Citation : sooperkanoon.com/757139

Court : Rajasthan

Decided On : May-11-1992

Reported in : II(1992)DMC400; 1992WLN(UC)506

Judge : I.S. Issrani and; V.K. Singhal, JJ.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 125; [Family Courts Act, 1984](#) - Sections 19(1)

Appeal No. : D.B. Civil Misc. A. No. 589 of 1991

Appellant : Madulal

Respondent : Sarojini Devi

Advocate for Def. : P. Gandevia, Adv.

Advocate for Pet/Ap. : Narendra Mishra, Adv.

Disposition : Appeal dismissed

Judgement :

I.S. Issrani, J.

1. Heard learned Counsel for both the parties. The matter has come up on stay application, but the same was heard on merits with consent of both the parties.

2. It is submitted by Shri Mishra, learned Counsel for the appellant that interim maintenance of Rs. 200/- has been granted under proceedings of Section 125 Cr.P.C, which are still pending before the Family Court at Ajmer. It is submitted that petitioner has income of Rs. 1,000/- per month It is submitted that the respondent has deserted the appellant since , last 26 years Subsequently, he has married again and has 7 children. It is submitted that respondent has her own income from the land and other work that she does.

3. It is submitted by Shri Gandevia, learned Counsel that the income of the appellant is Rs. 3,000/- per month. It is also submitted that no appeal lies Under Section 19 of the [Family Courts Act, 1984](#), since the impugned order is an interlocutory order. It is also denied that the respondent has sufficient income to look after herself.

4. We have heard both the parties. A bare reading of Sub-Section (1) of Section 19 of the [Family Courts Act, 1984](#) shows that no appeal lies against an interlocutory order passed by a Family Court. Admittedly, the interim order has been passed for monthly maintenance till the final decision of the appeal. The appeal is, therefore, liable to be dismissed on this ground itself. Apart from this, even on merits, we do not find any force in the contention raised as the matter is yet to be decided on evidence produced by both the parties in the Family Court. The appeal is therefore, dismissed.

5. We deem it appropriate, as prayed by learned Counsel for the appellant, that the matter should be disposed of at an early date. Shri Gandevia, gives out that he will need only two dates to complete his evidence.

6. It is, therefore, directed that the matter should be heard and finally disposed of within a period of 4 months of the certified copy of this order produced before the Family Court. However, if the appellant does not co-operate and the amount of maintenance is not paid, as directed by Trial Court, and the matter is delayed on this account, he will have to thank himself.

The appeal is, therefore, dismissed.

