

Ram Dev Vs. Kum.Sunita and anr

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Court : Rajasthan Jodhpur

Decided On : May-30-2012

Appellant : Ram Dev

Respondent : Kum.Sunita and anr

Judgement :

SB Criminal Misc. Petition No.1671/2010 Ramdev. Vs. Kum.Sunita & Anr. (1) IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR. ::: JUDGMENT ::: S.B. Criminal Misc. Petition No.1671/2010 Ramdev. vs. Sunita & Anr. Date of Judgment ::

30. May, 2012. HON'BLE MR. JUSTICE SANDEEP MEHTA Mr.TRS Sodha, for the petitioner. Mr.AR Nikub, PP, for the respondent State. Mr.Rajendra Charan, for the respondent no.1. ... BY THE COURT : Heard learned counsel for the parties. The present misc. petition has been filed by the petitioner, who is the respondent no.1's father, challenging the order dated 14.10.2010 passed by the learned Additional Sessions Judge, Shahpura, District Bhilwara whereby the revision petition filed by the respondent no.1 against the order dated 16.9.2008 passed by the learned Judicial Magistrate, Jahajpur, was allowed and it was directed that the respondent no.1 Sunita shall be entitled to receive maintenance from the petitioner till the date of her marriage. Counsel for the petitioner submits that the initial order of maintenance awarded to the respondent no.1 was made effective till the date of her attaining majority. Thereafter, the respondent no.2 filed an application for alteration in the SB Criminal Misc. Petition No.1671/2010 Ramdev. Vs.

Kum.Sunita & Anr. (2) order and for being granted maintenance till the date of her marriage. The said application was rejected by the learned Magistrate but the revisional court in an absolutely illegal fashion has reversed the order passed by the Magistrate. It is, therefore, submitted that the order of the learned revisional court deserves to be quashed. After having considered the arguments advanced at the bar and after perusing the record of the case as well as the orders impugned, this Court is of the opinion that the learned revisional court, placing reliance on the decision rendered in Smt. Ramkumari Awasthi vs. State of Uttar Pradesh reported in 2008 Cr.L.J.

2530, has rightly arrived at a conclusion that unmarried daughter, even if she attains majority, is entitled to receive maintenance from her father under Section 125 Cr.P.C. In view of the aforesaid facts and the view expressed by the Hon'ble Apex Court, no interference is called for in the order of the revisional court. Resultantly, the present misc. petition, being bereft of any force, is hereby dismissed. Stay petition also stands dismissed. (SANDEEP MEHTA), J.

S.Phophaliya

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