

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl. Rev. P. No. 8 of 2019

1. Smt. Kshetrimayum Ningol Thounaojam Ongbi Joymati Devi, aged about 35 years, w/o Loyangamba Thounaojam a resident of Sagolband Ingudam Leirak, P.O & P.S. Imphal, Imphal West, Manipur, a/p chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, Imphal West, Manipur.
2. Thounaojam Lanchenbi Chanu, aged about 6 years, d/o Loyangamba Thounaojam, a resident of Sagolband Ingudam Leirak, P.O. & P.S. Imphal, Imphal West, Manipur, a/p Chingamakha Kshetri Leikai, P.O. & P.S. Singjamei, Imphal West, Manipur. The Petitioner no. 2 being minor is represented by her natural mother i.e., the petitioner no.1.

..... petitioner/s

- Versus -

Shri Loyangamba Thounaojam, aged about 38 years, s/o Thounaojam Brajamani Meetei, a resident of Sagolband Ingudam Leirak, P.O & P.S. Imphal, Imphal West District, Manipur.

.... Respondent/s

BEFORE

HON'BLE MR.JUSTICE MV MURALIDARAN

26.09.2019

This present application is being filed by the petitioners under Section 397 and 401 read with Section 482 of the Code of Criminal Procedure for quashing/setting aside the impugned order dated 21.01.2019 of the Ld. Family Court, Manipur passed in Cril. Misc Case No. 2 of 2018.

The petitioner filed the Cril. (Maintenance) Case no. 33 of 2014 under section 125 Cr.P.C. in the Ld. Family Court, Manipur against the

respondent for payment of monthly maintenance allowance to the petitioners and the Ld. Court was pleased to pass an order dated 29/9/2015 thereby directed the respondent to pay a sum of Rs. 1,500/- to the petitioner no. 1 and Rs. 5,000/- to the petitioner no. 2 respectively.

The petitioner filed an application u/s 127 Cr.P.C. being Cril. Misc. Case no. 2 of 2018 before the Ld. Family Court Manipur for enhancement of the said monthly maintenance allowance of the petitioners against the respondent. However, the same was dismissed on 21/01/2019 for non appearance of the petitioners.

Challenging the said order, the present Criminal Revision Petition has been filed before this Court.

Therefore, I am of the considered view that the petition is not maintainable before this Court. Since the provision for restoration is available to the petitioner and the petitioner must appear before the same Court and file an application for restoration.

Hence, considering his case, the Criminal Rev. Petition is liable to be dismissed and the petitioner is directed to file appropriate restoration petition before the Family Court for restoring the said order dated 21.1.2019.

The counsel for the petitioner informed this Court that the copy of application filed in time and the copy of the order was furnished on 29.4.2019 and this Criminal Revision Petition is also filed in time i.e., on

7.5.2019 before this Court. Therefore, the counsel for the petitioner prays before this Court that the Lower Court may be directed to entertain the restoration application without any delay application for filing the restoration petition.

The representation of the counsel is correct since the petitioner approached this Court within time limit before this Court, there is no question will arise for delay.

In the result:

- a) This Criminal Revision Petition is dismissed.
- b) The petitioner is directed to file restoration petition within two weeks from the date of receipt of this order before the learned Family Court, Manipur.
- c) On such filing the restoration petition, the learned Family Court, Manipur is directed to entertain the petition without seeking any condonation delay petition.

JUDGE

Lynda

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