



2025:CGHC:16566
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P.(227) No. 229 of 2026

Sourabh Gosh, S/o Nityanand Gosh, aged about 28 years, R/o Near Suraj Road Lines,
Saraswati Nagar, Kota, Raipur, Tahsil And Distt - Raipur Chhattisgarh
----- **Petitioner**

Versus

Smt. Raya Gosh, W/o Sourabh Gosh, aged about 27 years, R/o Near Bhawani Nagar
Laxmi Narayan Store, Kota, Raipur, Distt Raipur Chhattisgarh
Respondent

For Petitioner	: Shri Adarsh Rajput, Advocate.
----------------	---------------------------------

Hon'ble Shri Justice Sachin Singh Rajput
Order on Board

23/02/2026

1. Heard on admission.
2. This writ petition under Article 227 of the Constitution of India is preferred against an order dated 31/07/2025 (Annexure P/1) passed by the II Additional Principle Judge, Family Court, Raipur (C.G.) (for short "Family Judge") in Civil Suit No. 03/2025. By the impugned order, an application under Order 9 Rule 9 of the Civil Procedure Code, 1908 (for short "C.P.C.") filed by the respondent was allowed and the MCC case No. 1125/2023 which was dismissed for want of prosecution was restored to its original number.
3. Learned counsel for the petitioner submits that repondent is the wife of the petitioner who had filed an application section 125 of the Code of Criminal Procedure, 1973 (for short "CrPC") before the Family Court which was registered as case No. 1125/2023 which was dismissed for want of prosecution on 11.07.2024. Thereafter on 02.01.2025 an application under order 9 Rule 9 of the CPC and along-with an application under Section 5 of

the Limitation Act, 1963 (for short "Act of 1963") was filed by the respondent wife before the learned Family Court which by the impugned order was allowed. He further submits that the respondent wife took a ground that on the date of hearing of the case she was undisposed, however, no medical documents have been appended and during that period she was accompanying the petitioner and visiting different places. Thus, the reason assigned by the respondent wife doesn't appear to be a sufficient cause for her non-appearance before the learned Family Court. The learned Family court committed an error in allowing the said application along-with the application for condonation of delay. Thus, the impugned order deserves to be set aside.

4. Heard learned counsel for the petitioner.
5. Perusal of the documents appended with the writ petition would indicate that an application under section 125 of the CrPC has been filed seeking interim maintenance. It appears that the application was dismissed for want of prosecution date 11.07.2024. Thereafter, the respondent wife filed an application for restoration along-with the application for condonation of delay. Those applications were allowed. Perusal of the impugned order indicates that the learned Family Court has given a finding that the respondent wife wants to continue the case and looking to the *Principle of Natural Justice* an opportunity of hearing ought to have been given to the respondent wife, so that the application for maintenance be decided on its merit. Thus allowed, the same application.
6. In the opinion of the Court, this Court does not find any irregularity or the jurisdictional error in the impugned order. Thus, petition fails and is hereby dismissed.
7. All the pending applications are dismissed.

Sd/-
(Sachin Singh Rajput)
Judge