

Non-Reportable

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1208 OF 2018
(Arising out of S.L.P.(Crl.) No.5055 of 2016)**

Harish Chand

.....Appellant(s)

VERSUS

Smt. Urmila

.....Respondent(s)

J U D G M E N T

Abhay Manohar Sapre, J.

1. Leave granted.
2. This appeal is directed against the final judgment and order dated 24.02.2016 passed by the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Revision Petition No.196 of 2014 whereby the Single Judge of the High Court dismissed the revision petition filed by the appellant herein for quashing and setting aside the order dated

17.01.2014 of the Judge, Family Court, Bharatpur in Application No.352/13.

3. Few facts need to be mentioned infra for the disposal of this appeal, which involve a short point.

4. The appellant-husband has filed this appeal by way of special leave against the order whereby the High Court dismissed his revision petition by passing the following order:

“I have heard learned counsel for the respective parties and carefully scanned the entire material made available to me including the impugned order passed by the learned court below as also the fact that the petitioner is working as a headmaster/senior teacher in Government school and he is capable to maintain the respondent.”

5. In our view, the Single Judge of the High Court neither set out the facts nor considered any submissions of the parties and nor assigned any reasons and disposed of the revision petition in a cryptic manner. Indeed, it is clear from a mere reading of only one para from the impugned order

quoted supra which was made the basis for dismissing the revision petition.

6. In the absence of any facts mentioned, submissions of both the parties noted, legal provisions which govern the issue arising in the case referred and the reasons assigned in the impugned order by the Single Judge in the context of the submissions urged, we are unable to know the factual background of the dispute involved in the case, the reasoning of the Trial Court which led the appellant herein to file a revision petition before the High Court against the order of the Trial Court and lastly, the reasoning of the High Court for dismissal of the appellant's revision petition.

7. We cannot countenance the disposal of the revision petition by the High Court in such a cryptic manner and, therefore, decline to concur with such order.

8. In view of what is observed supra, we do not wish to go into the issue on merits for the first time

in this appeal and consider it proper to set aside the impugned order and remand the case to the High Court for deciding the revision petition afresh on merits strictly in accordance with law keeping in view our observations made supra.

9. The appeal thus succeeds and is accordingly allowed. Impugned order is set aside. The revision petition out of which this appeal arises is remanded to the High Court for its disposal on merits in accordance with law, as mentioned above, as expeditiously as possible preferably within six months as an outer limit.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[S. ABDUL NAZEER]

New Delhi,
September 20, 2018.