

Kamla Devi and Others

Vs

Mool Raj

Criminal Appeal No. 268 of 1988

(A.P. Sen, L.M. Sharma JJ)

15.04.1988

ORDER

1. Leave granted.

2. After hearing learned counsel for the parties we find it rather difficult to sustain the interference by the High Court in revision with the order of the learned Munsif, Judicial Magistrate 1st Class granting to the appellant separate maintenance @ Rs. 400 per month. The conclusion reached by the learned Magistrate that the offer made by the respondent to keep the appellant with him was not a genuine one but a mere pretence, was a finding arrived at on a proper appreciation of evidence. There was no basis whatever for interference with that order by the High Court.

3. Accordingly, we allow the appeal, set aside the order passed by the High Court and restore that of the learned Munsif, Judicial Magistrate.

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