

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 481 of 2014

- Jitendra Chandrakar S/o Shri Malik Ram Chandrakar Aged About 33 Years Krishi Vistar Adhikari, Mukhalaya Mahasamund C.G.

---- Applicant

Versus

- Smt. Namita Chandrakar W/o Jitendra Chandrakar Aged About 28 Years R/o Bhagat Singh Chowk, Near Dr. Lohana, In Front Of Jalaram Sweets Tikrapara, Distt. Raipur C.G. Current Address - Village Udena, Ps Arjuni, Distt. Dhamtari C.G.

---- Non-applicant

For applicant : Shri RK Kesharwani, Advocate.

For non-applicant : Shri Pradeep Singh Rathore, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

18/11/2015

With the consent of the parties, the matter is heard finally.

02. On 26.7.2011 non-applicant/wife filed an application under Section 125 Cr.P.C. claiming maintenance of Rs.12,000/- per month. She has alleged that her marriage was solemnized with the applicant on 23.5.2010 but immediately after marriage the applicant ousted her and since 23.10.2010 she is living separately with her parents. She has stated that the applicant is working as Agriculture Extension Officer, drawing monthly salary of Rs.25,000/- and that apart, he has land and agricultural property as well. She has stated that she is unable to maintain herself and therefore, maintenance be awarded to her.

03. By the impugned order dated 18.6.2014 the Family Court has awarded Rs.6000/- per month as maintenance to the non-applicant/wife. It is this order which has been challenged by the applicant/husband in this revision.

04. Counsel for the applicant submits that the non-applicant is living in adultery, she is living separately of her own and therefore, she is not entitled for any maintenance. He further submits that the evidence adduced by the applicant has been completely ignored by the Court below.

05. On the other hand, supporting the impugned order it has been argued by counsel for the non-applicant that false allegations have been leveled against the non-applicant, her financial condition is pathetic and considering the monthly salary of the applicant, the Court below has rightly awarded Rs.6000/- per month as maintenance. It has been further argued that the non-applicant was compelled to live separately as she was subjected to cruelty by the applicant.

06. Heard counsel for the parties and perused the material on record.

07. From the evidence and the documents on record, it is apparent that the non-applicant was subjected to cruelty by the applicant as a result of which she was compelled to live separately. The evidence also reflects that the non-applicant is not in a position to maintain herself whereas the applicant is a senior officer in the State Government drawing more than Rs.20,000/- per month salary. Thus, the Court below was justified in awarding Rs.6000/- as maintenance to the non-applicant/wife. I find no illegality or perversity in the order impugned

warranting interference. The revision being without substance is liable to be dismissed and is dismissed as such.

Sd/

(Pritinker Diwaker)

Judge

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