

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 559 of 2016**

Rajaram Sahu S/o Rameshwar Sahu Aged About 32 Years R/o Village Barbaspur, Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Satrupa Sahu W/o Rajaram Sahu Aged About 28 Years R/o Village Tolga, Police Station & Tahsil Khadgawan, District Korea, Chhattisgarh.
2. Ku. Pooja Sahu D/o Rajaram Sahu Aged About 7 Years Minor, Represented Through Mother Smt. Satrupa Sahu, R/o Village Tolga, Police Station & Tahsil Khadgawan, District Korea, Chhattisgarh.

----Non-Applicants

For Applicant:	Shri	Sanjeev	Verma	Advocate.
For Non-Applicant:	None.			

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

24.6.2016

1. The present Revision has been preferred by the Applicant challenging the order dated 5.3.2016 passed by the Family Court, Manendragarh, Distt. Korea in Misc. Criminal Case No.46/2015. Vide the said impugned order, the Court below has allowed an application under Section 125 Cr.P.C and has ordered for grant of maintenance of Rs.1,000/- each to the Non-Applicants.

2. Assailing the said order, Learned Counsel for the Applicant submits that the said order is bad in law and that the Court below has not appreciated the fact that there is no justifiable reason for Non-Applicant No.1 to leave the matrimonial home and that she left the house of the Applicant on her own. The ground that there is no justifiable reason for Non-Applicant No.1 to leave her matrimonial home also stands established from the fact that she has

moved an application for divorce against the present Applicant which has also been rejected by the Court below which disproves all her contention. He further submits that in another proceeding initiated under the Domestic Violence Act, the Court below has already awarded payment of maintenance amount of Rs.2,000 to Non-Applicants.

3. Learned Counsel for the Applicant further submits that the present Applicant is a person having a low financial capacity and that he is working as a labourer for earning his livelihood from the labour work in the village that he gets. Therefore since he has already been imposed with payment of Rs.2,000/- as maintenance to the Non-Applicants, he should not be saddled further with another Rs.2,000/- as has been awarded by the Court below and thus sought for the quashment of the said order.

4. According to the Applicant, he will not be able to sustain the burden of paying the maintenance amount under two different laws payable to the same person. However, on perusal of the order, it is reflected that to the allegation of the family member of the Applicant owning 30-35 acres of land, the Applicant has not given any substantial evidence to disprove the same except for a denial made in the pleading. He further has not been able to fully disbelieve before the Court below to the averment that the Applicant has an illegal relationship with another lady namely Manmati with whom he has also got a child born, a fact which has also been supported by the witness namely Sonaprasad, Witness No.2 on behalf of the Applicant before the Family Court who has categorically stated that he has seen the lady in the house of the present Applicant which is one of the compelling circumstances which led Non-Applicant No.1/wife in this case leave her matrimonial home.

5. Considering the facts and circumstances of the case, this Court is of the considered opinion that the finding arrived at by the Court below cannot be said to be bad in law or contrary to the evidence. However, taking into consideration the nature of evidence adduced by the present Applicant also, it cannot be said that the amount of Rs.1,000/- awarded by the Court below to each of the Non-Applicants is exorbitant or is on the higher side.

6. In view of above, the instant Revision, being devoid of merits, the same is accordingly rejected.

Sd/-

(P. Sam Koshy)

JUDGE