

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 682 of 2016**

1. Smt. Radha Bai Jaiswal W/o Rajesh Jaiswal Aged About 25 Years R/o Village : Govindban, Police Station : Bilaigarh, At Present R/o. Podi, Dalha, Tahsil, Akaltara, District Janjgir - Champa Chhattisgarh
2. Kumari Deepika D/o Rajesh Jaiswal Aged About 4 Years Through Their Legal Guardian Mother Smt. Radha Bai Jaiswal W/o Rajesh Jaiswal, R/o Village : Govindban, Police Station : Bilaigarh, At Present R/o. Podi, Dalha, Tahsil, Akaltara, District Janjgir - Champa Chhattisgarh
3. Kumari Kusum D/o Rajesh Jaiswal Aged About 3 Years Through Their Legal Guardian Mother Smt. Radha Bai Jaiswal W/o Rajesh Jaiswal, R/o Village : Govindban, Police Station : Bilaigarh, At Present R/o. Podi, Dalha, Tahsil, Akaltara, District Janjgir - Champa Chhattisgarh
4. Kumar Mansi D/o Rajesh Jaiswal Age 08 Month Through Their Legal Guardian Mother Smt. Radha Bai Jaiswal W/o Rajesh Jaiswal, R/o Village : Govindban, Police Station : Bilaigarh, At Present R/o. Podi, Dalha, Tahsil, Akaltara, District Janjgir - Champa Chhattisgarh

---- Applicants**Versus**

Rajesh Jaiswal S/o Sonai Ram Jaiswal Aged About 30 Years Caste : Jaiswal, R/o Village : Govindban, Post Office & Police Station : Bilaigarh, District : Baloda Bazar - Bhatapara Chhattisgarh

---- Non-applicant

For Applicants:

Mr. Pushpendra Kumar Patel, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.07.2016**

1. The present Criminal Revision has been filed challenging the order dated 29.06.2016 passed by the Judge, Family Court, Janjgir, District – Janjgir-Champa in Misc. Criminal Case No. 266/2015 whereby the Court below has rejected the grant of maintenance amount to Applicant No.1 and at the same time allowed the application for

maintenance so far as Applicants No. 2 to 4 are concerned to the extent of Rs. 500/-per month to each.

2. Learned Counsel for the Applicants assailing the said impugned order submits that there was sufficient evidence which has been brought by Applicant No.1 before the Court below to show that it was the attitude of the Non-applicant husband and his family members which compelled her to leave the matrimonial house. She has no source of income other than to depend upon the income of the husband which has been denied through the impugned order, to that extent is bad.

3. However, a perusal of the evidence which has been adduced before the Court below shows that it is the case where the Respondent husband in fact agreed for staying with his wife at her father's home where they stayed for a long time. He subsequently on receiving an information that his father is not well, he intended to go to attend his father and wanted Non-applicant No.1 to accompany him, which she had refused.

4. Further it is also the case where the witnesses have also deposed before the Court below that they had made all attempts in convincing the Applicant No.1 to stay along with the Non-applicant husband. It was the adamant approach of the Applicant No.1, for which she did not come to stay with Non-applicant husband.

5. Considering the factual background of the case, in the opinion of this Court no illegality or infirmity has been committed by the Court below while allowing application for grant of maintenance so far as

Applicants No. 2 to 4 are concerned and rejecting the claim of the Applicant No.1, wife.

6. Accordingly, the present Criminal Revision being devoid of merit, the same is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE