

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 589 of 2015

- Prahalad S/o Visnath Mahilange Aged About 28 Years Occupation - Business & Agriculturist, R/o Village - Bhandarpur, Thana - Sahaspur Lohara, District - Kabirdham Chhattisgarh.

---- Applicant

Versus

- Sunita W/o Prahalad Mahilange Aged About 22 Years
- Kumari Mahi D/o Prahalad Mahilange Aged About 3 Years

Both R/o Village - Bhandarpur, Thana - Sahaspur Lohara, District - Kabirdham Chhattisgarh At Present R/o Berala, Thana & Tahsil - Berala, District Bemetara Chhattisgarh.

---- Non-applicants

For applicant : Shri Bharat Rajput, Advocate.
For Respondents : None

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

22/01/2016

Heard on admission.

Challenge in the present revision is to the order dated 25.4.2015 passed by the First Additional Principal Judge, Family Court, in Misc. Criminal Case No.21/14, allowing the application as filed by the non-applicants herein and directing the applicant to pay maintenance @ Rs.2000/- pm to non-applicant No.1 and Rs.1000/- pm to non-applicant No.2.

2. Counsel for the applicant submits that the order impugned has been passed ex-parte. He, however, fairly admits that notice was served on the applicant but as the applicant had gone out, he could not attend

case on two occasions. He further submits that against ex-parte proceedings, the applicant had earlier filed an application before the Court but the same was rejected vide order dated 23.4.2015, however, the applicant did not challenge the said order.

3. Heard counsel for the applicant and perused the record.

4. Relationship between the applicant and the non-applicants is not in dispute. After considering all the aspects of the case, including the fact that the income of the applicant is sufficient, he has also got agricultural land, thereby earning Rs.1.5 to 2 lacs per annum and that there is reasonable cause for non-applicant No.1 to live separately, the Family Court was justified in granting maintenance @ Rs.2000/- in favour of non-applicant No.1 and Rs.1000/- in favour of non-applicant No.1 from the date of application. I find no illegality or perversity in the order impugned to interfere. Accordingly, the revision petition is liable to be dismissed and is hereby dismissed *in limine*.

5. The applicant is directed to immediately comply with the impugned order passed by the Family Court and to deposit the entire amount as awarded, failing which the Family Court would be at liberty to act in accordance with law against the applicant.

Sd/

(Pritinker Diwaker)

Judge