

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 785 of 2016**

1. Smt. Renu Pal Dh. W/o Shri Madan Dhanker, Aged About 25 Years R/o World Bank Colony, Zone 2 Bhilai 3, P. S. Bhilai Tah. & District Durg Chhattisgarh
2. Ku. Yamini Pal D/o Madam Dhanker, Aged About 2 Years Minor Through Natural Gardian Mother Petitioner No.1 Renu Pal R/o World Bank Colony, Zone 2 Bhilai 3, P. S. Bhilai Tah. & District Durg Chhattisgarh

---- Applicants**Versus**

- Madan Dhankar S/o Shri Suresh Dhankar, Aged About 23 Years R/o Village Bhardakala, P. S. Arjunda, Tahsil Gundardehi, District Balod Chhattisgarh

---- Non-applicant

For Applicants : Ms. Soniya Kuldeep, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****26/08/2016**

1. The present Revision has been filed challenging the order dated 01.06.2016 passed by the Third Additional Principal Judge Family Court, Durg in M.J.C. No. 420/2014.
2. By way of the said impugned order the Court below has partly allowing the application under Section 125 of the Cr.P.C. filed by the Applicants has rejected the claim of maintenance of the Applicant No. 1 and allowed the claim to the Applicant No.2 to the extent of granting maintenance amount of Rs. 1500/- per month.
3. The non-granting of the maintenance to Applicant No. 1 is the main

grievance in the present Revision Petition.

4. Learned Counsel for the Applicants submits that there is no justifiable reason for the Court below to have rejected the claim of the Applicant No. 1. Therefore, the impugned order to that extent is bad in law.
5. It is further argued that the Court below has failed to appreciate that it was on account of the physical and mental harassment made on behest of the Non-applicant and therefore she was compelled to leave the matrimonial home and staying with parents. For this reason, she was entitled for being granted maintenance amount.
6. However, a plain reading of the impugned judgment itself reflects that the Court below has minutely considered the evidences which have come on record. That in the process of scrutinizing the evidences the Court found that there have been specific averments made by the Applicant No.1 who is P.W.-1 before the Court below and P.W.-2 father of the Applicant No.1. Both of whom is said to have stated that she does not intend to stay with the Non-applicant husband. It is also an admitted position of fact that the Applicant No.1 has made a statement before the Trial Court that there was also a village meeting held and in the village meeting also the Applicant No.1 along with her father were present and there also they have categorically stated that she does not intend to go and stay with the Non-applicant husband.
7. In the light of the specific findings of fact by the Court below of the categorical refusal of the Applicant No.1 to go and stay with the Non-applicant husband, this Court is of the opinion that there is no illegality or infirmity on the part of the Court below in rejecting the

claim application so far as the Applicant No. 1 is concerned.

8. So far as the quantum of maintenance amount awarded by the Court below to the Applicant No.2 is concerned, if the facts and circumstances of the case is taken into consideration it is clearly reflected that even if the average notional income of the Non-applicant is applied or presumed the amount of Rs. 1500/- can not be said to be on lower side for a non-school going child.
9. In the opinion of this Court no strong case has been made out calling for inference with the impugned order.
10. Thus, the instant Revision Petition being devoid of merits, the same deserves to be and is accordingly rejected.

Sd/-

**(P. Sam Koshy)
JUDGE**