

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 792 of 2016**

1. Ravishankar Dewangan S/o Late Motilal Dewangan Aged About 43 Years R/o Mana Basti, Tahsil & District - Raipur Chhattisgarh
2. Harishankar Dewangan S/o Late Motilal Dewangan Aged About 40 Years R/o Mana Basti, Tahsil & District - Raipur Chhattisgarh

---- Applicants**Versus**

- Smt. Dukalhin Bai Dewangan W/o Late Motilal Dewangan Aged About 75 Years R/o Mana Basti Raipur, Tahsil & District - Raipur Chhattisgarh

---- Non-applicant

For Applicants : Mr. D.N. Prajapati, Advocate.

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

1. The challenge in the present Criminal Revision is to the order dated 04.07.2016 passed by the Principal Judge, Family Court, Raipur in Criminal M.J.C. No. 335/2014.
2. Vide the impugned order the Court below on the application under Section 125 of the Cr.P.C. initiated by the Non-applicant Dukalhin Bai Dewangan who is the mother of the present Applicants, has allowed the claim of maintenance and directed both the Applicants to pay an amount of Rs. 1500/- per month each to the Non-applicant mother.
3. Learned Counsel for the Applicants challenging the said order submits that the mother has sufficient means to sustain herself and that in her bank account they had deposited sufficient amount with

which she could sustain her life. This fact has been suppressed by the Non-applicant before the Court below. Further it is said that the Non-applicant is staying where the present Applicants are also residing as such she does not require any amount for maintenance and if at all she requires any amount she has sufficient amount in her bank account.

4. A perusal of the record clearly shows that the pass book of the Non-applicant mother was produced in the course of the evidence and in the evidence it was found that there was no such specific amount deposited by the present Applicants in the account of their mother to show that they have deposited some amount in the account with which she could sustain herself. Rather, it shows that whatsoever amount is there in her bank account is from the money she use to save by herself, she had deposited to fixed deposit in her name for sustaining herself. A perusal of the record further would show that both the Applicants are carrying business running independent shops and earning their livelihood and the Court below taking that into consideration has ordered that both the Applicant sons to pay Rs. 1500/- each to their mother i.e. both the Applicants have been ordered to pay Rs. 50/- per day to their mother. This, in the opinion of this Court is neither exorbitant nor on the higher side. Further the findings of the facts clearly shows that there were sufficient evidence brought before the Court below by the mother for deciding to stay separately as there is ill treatment and harassment on the part of the Applicant - sons and daughter-in-laws. Thus, in the opinion this Court no illegality and infirmity has been committed by the Court below in allowing the claim application. Neither is the amount of

maintenance on the higher side calling for any interference.

5. Thus, in the opinion of this Court no strong case has been made out by the Applicants calling for interference with the impugned order.
6. Accordingly, the Revision Petition stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

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