

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.72 of 2012**

Chhahraram, aged about 63 years, S/o Pandeyram @ Panchram, Caste Dhimar, R/o Sarhar, Police Station Baradwar, Tahsil Baradwar, District Janjgir-Champa, Chhattisgarh

---- **Petitioner**

versus

Smt. Rambai, W/o Chhahraram, Caste Dhimar, aged about 55 years, R/o Sarhar, at present residing at Lakharri, P.S. and Tahsil Bamhndih (wrongly mentioned in impugned order as Bamhnin) District Janjgir-Champa, Chhattisgarh

---- **Respondent**

For Petitioner : Shri Deepak Kumar Singh, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

4.8.2016

1. This revision petition by the husband is directed against order dated 5.11.2011 passed in Case No.57 of 2008 by the Family Court, Janjgir-Champa, whereby the wife has been granted maintenance of Rs.800/- per month.
2. The main defence of the husband is that the wife had divorced him and left the matrimonial house in the year 1969. According to the husband, the wife had executed a *Talaknama* (divorce deed) and since she had willingly left the matrimonial house, he could not be held liable to pay maintenance to her.
3. The *Talaknama* is no document in the eyes of law. Undisputedly, both the parties were married according to Hindu rites and divorce has to be granted under the Hindu Marriage Act, therefore, such a *Talaknama* is no document in the eyes of law. The Family Court has come to the conclusion that the wife had been forced to leave the matrimonial house because of the beatings given by the husband.
4. So far as quantum of maintenance is concerned, from the material

available on record, it is apparent that the husband was working as a Branch Manager in a Bank. Admittedly, he was, at that time, before his retirement, earning Rs.15,000/- per month. After retirement, he got Rs.17 Lakhs. He also owned two Marshall vehicles, a tractor, a motorcycle, agricultural land of 10 acres and a two-storied house. Such a person can easily pay maintenance of Rs.800/- per month.

5. Therefore, I find no merit in this criminal revision, which is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE