

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL REVISION No. 577 of 2016**

Dhiran S/o Late Hauli Aged About 59 Years (Now 61 Years) R/o Village - Karaundamuda, Post - Badsara, Police Station - Bhaiyathan, Tahsil - Surajpur, District - Surajpur Chhattisgarh.

---- Applicant**Versus**

Rukmani W/o Dhiran Aged About 58 Years R/o Village - Khond, Post - Pandavpara, Police Station - Patna, Tahsil - Baikunthpur, District - Korea Chhattisgarh At Present R/o Harijanpara, Village - Tendua, Post - Ranai, Police Station - Patna, Tahsil - Baikunthpur, District - Korea Chhattisgarh

---- Non-applicant

For Applicant : Shri Anil Gulati, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.08.2016**

1. The present Revision petition has been preferred challenging the order dated 20.04.2016 passed by the Judge, Family Court, Baikunthpur, Distt. Korea, in Misc. Criminal Case No.62/2015. By the said order, the court below in a proceedings under Section 125 Cr.P.C has allowed the claim of the respondent-wife and have ordered the petitioner-Husband to pay Rs. 1500/- per month to the respondent as maintenance.
2. Learned Counsel for the Applicant submits that the respondent had already left the company of the petitioner way-back in the year 1967 and for all these periods she stayed separately and does not claim for maintenance till now. It is only in the year, 2015 that she has moved an application for grant of maintenance under Section 125 CrPC. He further submits that the court below has accepted the fact that petitioner is getting monthly pension of Rs.1227/- but still has awarded Rs.1500/-per month as maintenance amount

which is totally unjustified and therefore deserves to be quashed.

3. A perusal of record would show that admittedly the petitioner was an employee of SECL which is not a pensionable service, but at the time of retirement, the employees are paid lump-sum retirement dues. However, on a query being put to the counsel for the petitioner, he shows his inability to inform the court with regard to total amount received by the petitioner at the time of his retirement. He also does not dispute the fact that the respondent continued to be the wife of the petitioner though under the customary practice there was a "Chhorchhutti" adopted by the petitioner for living separately from the wife-respondent. Chhorchhutti does not have any legal sanctity in the eyes of law and the respondent being legally wedded wife of the petitioner cannot be denied for maintenance. Only for the reason that the wife has not claimed maintenance till now cannot be a basis for rejection of the claim application. It may be that it is only now that she was unable to sustain herself which compelled her to claim maintenance.
4. Taking into consideration to fact and circumstances of the case, in the opinion of this court, the court below has not committed any illegality or infirmity while allowing the claim application of the respondent-wife under Section 125 Cr.P.C. and in awarding the maintenance amount of Rs. 1500/-.
5. Accordingly, no good case has been made out for allowing the instant Criminal Revision calling for interference with the order under challenge.
6. The Criminal Revision being devoid of merit, the same is dismissed.

Sd/-

(P. Sam Koshy)

Judge