

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 596 of 2016

- Shesh Kumar, S/o Haldhar Bambode, Aged About 23 Years, By Caste - Mahar, R/o Village - Kuliya, P.O. - Kaneri, P.S. & Tahsil - Gurur, Distt. Balod Chhattisgarh

---- Applicant

Versus

1. Smt. Janki Bai, W/o Shesh Kumar, Aged About 21 Years, By Caste - Mahar,
2. Ku. Diksha D/o Shesh Kumar, Aged About 1 month Minor Through Natural Guardian Smt. Janki Bai W/o Shesh Kumar Mahar,

Both are R/o Village - Tipani, Police Station - Bhakhara, Tahsil - Kurud, Distt. Dhamtari Chhattisgarh

---- Non-applicants

For Applicant : Shri Vivek Tripathi, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board By

01/07/2016

1. Challenge through the present Criminal Revision is to the order dated 29/03/2016 passed by the Family Court, Dhamtari (C.G.) in Misc. Judicial Case No. 145/2015, whereby the Court below has awarded an amount of Rs.1200/- to the non-applicant No. 1 and Rs. 600/- to the non-applicant No.2 as maintenance, who are wife and daughter of the present applicant.
2. The sole contention put forth by the impugned order is that there is no justified reason for the non-applicant No. 1 wife for leaving the matrimonial home and therefore she is not entitled for any compensation. However, the impugned order itself shows that the non-applicant No. 1 wife of having made efforts for staying with the present applicant, but there is categorical refusal by the present applicant to

keep her as his wife. In the cross-examination of the present applicant himself he has admitted that the grand father of the non-applicant No.1 bringing the wife to stay with the present applicant, but it was the applicant who refused to keep her as wife.

3. Considering the totality, facts and circumstances of the case and also taking into consideration, the fact which has come on record in respect of the present applicant himself not ready to keep the non-applicant No. 1 as wife, therefore, the total amount awarded by the Family Court of Rs. 1800/- i.e. Rs. 1200/- to the non-applicant No.1 and Rs. 600/- to the non-applicant No.2 is proper and justified. In the opinion of this Court the maintenance awarded by the Court below is proper and justified and does not call for any interference.
4. For the foregoing reason, the present criminal revision being devoid of merits, the same is dismissed.

Sd/-

(P. Sam Koshy)
Judge