

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 617 of 2016**

Harihar Thakur S/o Nageshwar Thakur, aged about 43 years, resident of LIG-197, Borsi, Vistar, PS Pulgaon, Tehsil and District Durg (CG).

---- PETITIONER**Versus**

Smt. Sharda Thakur Wife of Harihar Thakur, aged about 41 years, resident of in front of Nasine Kirana Shop, First Floor, B-Sector, Panchshil Colony, Borsi, Tehsil and District Durg (CG).

---- RESPONDENTS

For Petitioner : Shri Indrasen Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/07/2016**

1. Challenge in this revision is to the order dated 07.05.2016 passed by the First Additional Principal Judge, Family Court, Durg, in Misc. Criminal Case No.620 of 2015 whereby the court below in a proceeding under Section 125 CrPC has allowed the claim put forth by the respondent-wife and awarded Rs.2000/- per month as maintenance amount to be paid by the applicant-husband.
2. Counsel for the applicant has challenged the said order on two grounds. Firstly; there is no sufficient strong reasons for the respondent-wife to leave the matrimonial home and secondly; the amount of maintenance awarded by the court below is much beyond the paying capacity of the applicant and also is more than the income of the applicant, and therefore, prayed for recalling

of the said order.

3. A perusal of records would show that during the course of evidence there has been sufficient evidence adduced by the respondent wife which gives clear indication of the cruelty met by the applicant-husband upon wife and also the fact that there are instances where there were fight between the two. In addition, the allegation against the applicant in the claim application was that he was in the habit of locking the respondent-wife and her children in the house while he used to go for work. Another reason for not maintaining the wife was that he used to make allegation against the respondent-wife of her being a woman with unsound mind.
4. Considering all these facts which have come on record before the court below in the course of evidence, this court is of the opinion that no good and strong case is made out by the applicant calling for interference with the order passed. The order of the court below is a finding of fact based on evidence adduced before it and therefore, it cannot be said that the order impugned is bad in law or perverse.
5. For the reasons mentioned hereinabove, the petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
JUDGE