

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 825 of 2016**

- Mukesh Kumar Singh S/o Kedar Singh Aged About 31 Years Caste Rajput, R/o Beside State Bank, In Front Of Shri Jewellers, Pamgarh, Tahsil Pamgarh, District - Janjgir - Champa Chhattisgarh

---- Applicant**Versus**

- Smt. Kalpana Singh W/o Mukesh Kumar Singh Aged About 26 Years Caste - Rajput, Resident Of S E C L , Korba , Quarter No. Type - Two - 29 , Tahsil & District - Korba Chhattisgarh

---- Non-applicant

For Applicant : Mr. L.C. Dash, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****02/09/2016**

1. By way of the present Revision Petition the Applicant intends to challenge the order dated 31.05.2016 passed in Misc. Criminal Case No. 128 / 2014 passed by the Family Court, Janjgir. Vide the said impugned order the Court below has allowed an application under Section 125 CrPC granting maintenance to the Non-applicant wife to the tune of Rs. 2500/- per month.
2. Learned Counsel for the Applicant submits that there is no strong and justified reason for the Non-applicant to leave the matrimonial home and also the fact that the amount of maintenance awarded is

on higher side. The Court below has not properly appreciated the evidence which have come on record in any manner and has ordered granting maintenance of Rs. 2500/- per month to the Non-applicant.

3. Having perused the record what is otherwise reflected from the order is that there is specific allegation made by the Non-applicant against the Applicant of having illicit relationship with his elder sister in law which was witnessed by the Non-applicant wife, on account of which relationship between the Applicant and the Non-applicant got strained. Further, from the records it is also reflected that so far as the said allegation has been levelled against the Applicant, it has not been rebutted in any manner during the course of cross-examination by the Applicant husband which prima facie establishes the allegation by the Non-applicant against the husband to be true.
4. Considering the said allegation and the fact that there was no cross-examination by the Applicant so far as the allegation is concerned this Court is of the opinion that the Non-applicant had justified reasons in leaving her matrimonial home and staying at her parental home.
5. Further, taking into consideration the quantum of the amount which the Court below has awarded as maintenance to the Non-applicant, if it is distributed to the 30 days of a month, it would fall below Rs. 100/- a day which under no stretch of imagination can be said to be exorbitant or on higher side calling for interference.

6. For the aforesaid reasons, in the opinion of this Court no strong case has been made out calling for interference with the impugned order.
7. Accordingly, the Revision Petition being devoid of merits, stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE