

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 883 of 2016**

Laxmi Nishad W/o Shantu Nishad (D/o Late Devlal Nishad), aged about 30 years, R/o Kotapara, Gangrela, Thana Rudri, Civil and Revenue District, Dhamtari (CG).

---- **Petitioner**

Versus

Shantu Nishad S/o late Sonuram, aged about 35 years R/o village Musurputta, Thana, Sihava, Tahsil Nagri, District Dhamtari (CG).

---- **Respondent**

For Petitioner : Shri Suresh Verma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08/11/2016

1. Challenge in this revision is to the order dated 01.09.2015 passed by the Family Court, Dhamtari, in MJC No.58/2015. Vide the impugned order, the court below in a proceeding under Section 125 CrPC has rejected the claim application for maintenance claimed by the petitioner-wife.
2. Learned counsel appearing for the petitioner assailing the impugned order submits that the order of the court below is bad in law to the extent that the court below has not appreciated the evidence of the petitioner in its proper perspective and on a technical ground has rejected the claim application. It is further submitted that there are evidence before the court below particularly the statement of petitioner which suggest that she has made effort for reconciliation with the respondent-Husband and wanting go back and stay at her matrimonial home, but on account of refusal on the part of

the respondent-Husband she was not able to live at matrimonial home and forced to stay along with her widowed mother at her parental home.

3. However, a perusal of the records clearly reflects that the court below has taken into consideration the admission on the part of the petitioner-wife herself, in her cross examination where she admits that she had gone to the parental home on receipt of an information about ill health of her father, who later on died, and after completion of the rituals, the respondent-Husband had come and insisted her to come with him, but she had refused to go back. She also admits in her cross examination that subsequently, the maternal uncle of the husband had also come for convincing her to go to matrimonial home, but she had again refused to go to matrimonial home. There is also an admission that there was a village meeting held at her home in which also she had refused to go along with the respondent-husband.
4. Further, the impugned order also reflects that the court below has also appreciated the evidence of PW-2, Rajbati, the mother of the petitioner-wife, who also has categorically admitted the fact that subsequent to the death of father of the petitioner, she has refused to go to the matrimonial home and insisted to continue stay at her parental home. There was also admission on the part of the PW-2 that the maternal uncle of the respondent-husband also tried to convince the petitioner to go to matrimonial home but she refused to go and stay with respondent-husband.
5. Accordingly, this court is of the opinion that in view of the specific findings given by the family Court, Dhamtari, no strong case has been made out by

the petitioner so as to take a different view and to interfere with the findings arrived at by the family court.

6. The criminal revision accordingly being devoid of merit is liable to be and is hereby dismissed. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE

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