

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 953 of 2016**

- Rohit Kumar Kaushik S/o Sarju Prasad Kaushik Aged About 25 Years R/o Village & Post - Hardikala (Tona), Tahsil & Police Station - Bilha, District - Bilaspur Chhattisgarh

---- Applicant**Versus**

- Smt. Suman Kaushik W/o Rohit Kaushik Aged About 22 Years R/o Village - Nagoi, Police Station - Takhatpur, District – Bilaspur Chhattisgarh

(Note - Applicant No. 2 Jaydeep Kaushik Has Been Deleted, Because Before The Family Court Itself, The Non-Applicant Herein Moved Application For Deletion Of His Name.

---- Respondent

 For Applicant

 Shri Goutam Khetrapal, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****07.10.2016**

1. The present Revision Petition has been preferred challenging the order dated 21.9.2016 passed in Misc. Criminal Case No. 616/2014 whereby the Family Court Bilaspur has in a proceeding under Section 125 of the CrPC has granted maintenance amount of Rs. 1500/- to the Respondent.
2. Learned Counsel for the Applicant assails the impugned order on the ground, firstly that the Non-applicant would not be entitled for

maintenance amount as there is an admitted fact of the Non-applicant living an adulterous life. It was also contended that she would not be entitled for the maintenance on the ground that there was a divorce undertaken between the parties and it was agreed that she would not be claiming any amount for maintenance from the husband. Thirdly it was contended that from the admitted facts it clearly reflects that in fact the marriage itself between the parties took place because of coercion and pressure put upon by the village elders (Panchayat). Therefore, also the present Applicant may not be forced to pay maintenance to the Non-applicant wife.

3. Having considered the total facts and circumstances of the case what clearly reflects from the pleading of the Applicant himself is the fact that there is admission on the part of the Petitioner husband of there being a marriage which was solemnized between the Applicant and Respondent. Though the marriage was performed under pressure by the village elders (Panchayat), but the fact of marriage is not in dispute. Another undisputed fact is that the claim of adulterous life the present Applicant husband prior to the marriage to the Respondent itself was fully aware of the past of the Respondent wife and he was also aware of the fact that she was already pregnant at the time when the marriage was solemnized.
4. Thus, from the given facts once when the Applicant husband was knowing well about the past of the Respondent wife and had agreed for marry her, he cannot turn around now and say that she would not

be entitled for the maintenance from his part nor can he raise grievance in respect of her adulterous life prior to marriage. There is no evidence in respect of Non-applicant wife living an adulterous life subsequent to the marriage. Therefore, this Court does not find any illegality or infirmity on part of the Court below in reaching to the conclusion that it is the bounden duty of the husband even if there is a divorce to maintain his wife by providing sufficient amount as maintenance for her sustenance.

5. With the aforesaid observation the Revision stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE