

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 1007 of 2016**

Dhanuk Satnami, aged about 52 years, S/o Mohan, R/o village-Dumrha, Police Station Lormi, Tehsil Lormi, District Bilaspur, CG

---- Applicant**Versus**

Bahareen Bai aged about 46 years, W/o Dhanuk Satnami, R/o Baiharsri, Tahsil- Bodala, District Kabirdham, CG

---- Respondent

For Applicant : Ms. Meenu Banerjee, Advocate.

Hon'ble Shri Justice P.Sam Koshy**Order On Board****03/11/2016**

The present revision petition has been preferred assailing the order dated 24.09.2016 passed by the family Court, Kabirdham (Kawardha) in Misc. Criminal Case, No. 136/2016.

2. The facts in brief are that the respondent-wife had moved an application under Section 125 CrPC before the Court below seeking for maintenance from the applicant-husband. It was contended by the respondent-wife that the marriage between the applicant and her took place about 23 years back in accordance with Hindu rites and rituals. It was further contended that the applicant subjected her to ill-treatment and harassment forcing her to leave the matrimonial home. Subsequently, the applicant is said to have started living with another lady leaving the respondent. For all these reasons the respondent had asked for an amount of Rs.10,000/- per month towards her maintenance.

3. After completion of evidence, the Court below vide impugned order dated 24.09.2016 allowed the application for grant of maintenance and ordered the applicant for payment of Rs.1,200/- per month as maintenance to the respondent.

4. It is this order dated 24.09.2016 which is under challenge in the present revision petition.

5. Counsel for the applicant submits that the amount of maintenance awarded by the Court below is exorbitant and beyond the paying capacity of the applicant and therefore the impugned order deserves to be set aside or modified accordingly. She submits that the Court below has not properly appreciated the status of the applicant being a labourer and the amount of maintenance which has been awarded ought to have been in accordance with the status of a labourer which if taken into consideration, the amount of Rs.1,200/- would clearly reflect to be on the higher side.

6. However, during the course of proceeding what has clearly reflected on the basis of the pleadings is that in fact the applicant had some agricultural fields at village Doomrah which he had suppressed before the Court below but in cross-examination he has accepted this fact. In addition, the applicant has also admitted the fact that he works as labourer for his livelihood. Thus, the Court below reached to the conclusion that there is some source of income from the agricultural field and also some income from the nature of work that the applicant performs as a labourer. If both these taken into consideration, the amount which has been awarded by the Court below i.e. Rs.1,200/- cannot by in any stretch of imagination be exorbitant or on the higher side. The amount of maintenance awarded by the Court below if divided into 30 days, the amount would come only to Rs.40/- a day which is too meager an amount to sustain for a person.

7. Thus, in the opinion of this Court no strong case is made out to interfere with

the impugned order. Accordingly, the present Criminal Revision being devoid of merit stands dismissed.

Sd/-
(P.Sam Koshy)
JUDGE

Bhola