

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION NO. 1018 OF 2016

Amritlal, S/o Sahasram, aged about 50 years, Caste Mahra, Occupation : Agriculturist and Vegetable Business/Tailoring, R/o Ward No. 20, Paithupara, beside Radhakrishna Mandir, Kawardha, Civil and Revenue District Kabirdham (C.G.)

... Petitioner

Versus

Radhabai, W/o Amritlal, aged about 45 years, Caste Mahra, R/o Ward No. 20, Paithupara, beside Radhakrishna Mandir, Kawardha, Civil and Revenue District Kabirdham (C.G.)

... Respondent

For Petitioner : Mr. P.K. Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/11/2016

1. Heard on I.A. No.1 of 2016, seeking condonation of delay in filing the present revision petition which is barred by limitation of 3 days.
2. Since sufficient cause has been explained in the I.A. No.1 for the delay occurred in the filing of the present revision petition, the same is allowed and the delay is condoned.
3. Heard on admission.
4. By the present revision petition the Petitioner has assailed the order dated 23.7.2016 passed by the Family Court, Kabirdham (Kawardha) in Misc. Criminal Case No. 175 of 2016.
5. By the impugned order, the Court below in a proceeding under Section 125 of CrPC has allowed the application and ordered for payment of Rs.1000/- as monthly maintenance to be paid to the respondent-wife.

6. Counsel for the Petitioner submits that the Court below has not properly appreciated the fact that the petitioner-husband would not be able to pay the maintenance amount as it is beyond his paying capacity. He further submits that the Court below has also not appreciated the fact that the respondent-wife had left the company of the petitioner-husband without any justified reason.

7. However, perusal of the record would show that there is a justified reason for the respondent-wife to leave the matrimonial home and live separately. Further, taking into consideration the fact that the respondent-wife does not have any source of income, it is the duty fastened upon the petitioner-husband that he should maintain his wife. The amount of maintenance granted by the Court below is also not exorbitant or on the higher side and the petitioner-husband has not made out a strong case calling for any interference with the impugned order.

8. The criminal revision being totally devoid of merits the same is accordingly dismissed in *limine*. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge