

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 1031 of 2016**

Balbeer Singh Chauhan S/o late Thanwar Singh, aged about 35 years, R/o
Vyapar Vihar, Near Sai temple, Thana Civil Line, District/Tahsil Bilaspur, CG

---- Applicant**Versus**

1. Santoshi W/o Balbeer Singh Chauhan, aged about 30 years
2. Ravi Singh S/o Balbeer Singh Chauhan, aged about 13 years

Both are R/o village Bagharra, Thana Kunda, Tahsil Pandariya, District
Kabeerdham, CG

---- Respondents

For Applicant : Shri Samir Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/11/2016**

The present revision petition has been filed assailing the order dated 30.09.2016 whereby the Family Court, Kabeerdham in Misc. Criminal Case No. 423/2016 in a proceeding under Section 125 CrPC has allowed the application and ordered for payment of Rs.1,500/- to respondent no.1 and Rs.1,000/- to respondent no.2 per month as maintenance.

2. Assailing the said impugned order counsel for the applicant submits that the respondent no.1 is living separately from the applicant since 2002. Since the respondent-wife could maintain herself till 2016 and it is only thereafter that she moved the application for maintenance, a strong inference ought to have been drawn by the Court below that she had sufficient means to sustain herself. He further submits that it is a case where the Court below has taken a liberal view in granting maintenance to the respondents as from the evidence it shows

that the respondent no.1 did not have a justified reason for leaving the matrimonial home.

3. However, unless it is otherwise proved by the applicant-husband that the respondent no.1 has sufficient source of income, it cannot be said that she has sufficient means to sustain herself. All this period she may have been able to maintain herself through her parents or some other relatives the possibility of which cannot be ruled out. Further there is no evidence that she is gainfully employed anywhere. In the absence of which the contention of the counsel for the applicant that she has not raised maintenance application for these 14 years is not a good ground for setting aside the impugned order.

4. So far as the justified reasons for leaving the matrimonial home is concerned, the Court below has specifically dealt with the issue and considered the evidence which has come on record and reached to the conclusion that the applicant used to ill-treat the respondent-wife and subjected her to cruelty and for this reason she had left the matrimonial home.

5. For the foregoing reasons, this Court is of the opinion that no strong case is made out for interfering with the finding of the Family Court. Accordingly, the present criminal revision being devoid of merit stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**