

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1081 of 2015

- Dilip Pardhi S/o Somnath Pardhi Aged About 40 Years R/o Village Boirdih, Wrongly Mention As Borairdih, P.S. And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

- Smt. Lalta Bai W/o Dilip Pardhi Aged About 35 Years R/o Village Boirdih, P.S. And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sharma, Advocate.
For Non-applicant	: None present.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

27/01/2016

Heard on admission.

2. Non-applicant filed application under Section 125 Cr.P.C. seeking Rs. 7,000/- per month as maintenance from the applicant.

3. It has been pleaded by the non-applicant that her marriage was solemnized with the applicant about 15-16 years prior and soon thereafter she was subjected to cruelty by the applicant. She has pleaded that the applicant is living with another lady Neera Bai and therefore it is difficult for the non-applicant to live with the applicant. According to the non-applicant, the applicant is a vendor of plastic made material and is earning about Rs. 20,000/- per month and this apart, he has fixed deposit in the bank from which he is getting interest. It has also been pleaded by the non-applicant that she is not in a position to maintain herself and the applicant is able to maintain her.

4. Counsel for the applicant submits that the monthly income has wrongly been assessed by the court below. He submits that the applicant is earning very less amount after selling the plastic made material.

5. Counsel for the applicant submits that the non-applicant is living separately without any justification, the monthly income of the applicant is not as such where he can pay the amount of maintenance to the non-applicant.

6. After considering all the aspects of the case the court below has come to the conclusion that the non-applicant is not earning anything and is not in a position to maintain herself and considering the monthly income of the applicant she is entitled for Rs. 1700/- per month as maintenance amount and Rs. 1,000/- as cost of litigation. It is this order which has been challenged by the applicant in this revision.

7. From the record it appears that the relationship between the applicant and the non-applicant is not disputed, the non-applicant does not have any source of income, she is dependent on her parents and he is capable to maintain her. In these circumstances I find no illegality or irregularity in the order impugned directing the applicant to pay monthly maintenance of Rs. 1700/- to the non-applicant for the reason that it is the obligation of the husband to maintain his wife and he cannot refuse to maintain her by pleading that he is unable to do so due to financial constraints as long as he is capable of earning. The revision fails and is hereby dismissed.

Sd/-
Pritinker Diwaker
Judge