

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Revision No. 534 OF 2007

Jalandhar Nayak 31 Years S/o Nirmal Nayak Brahmadai Para P.S. Khamtarai Raipur

---- **Petitioner**

Versus

Smt. Purnima Nayak 30 Years Still claiming to be W/o Vishnu Prasad Brahmadai Para P.S. Khamtarai Raipur

---- **Respondent**

For Petitioner	:	Shri Sudeep Verma, Advocate.
For Respondent	:	Shri R.K. Pali, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

04/08/2016

1. This petition by the husband is directed against the order dated 16.8.2007 passed by the First Additional Principal Judge, Family Court, Raipur awarding maintenance of Rs.1000/- per month under Section 125 Cr.P.C.
2. The main ground of challenge is that the wife is living in adultery. With regard to this, the only proof laid is that some village meeting was convened on 8.12.2002 where it was stated that the wife is living with some other person. This, in my opinion, is not adultery. Adultery is very serious charge and cannot be proved by only some observation made in some inconsequential meeting of a body which has no legal right. If this was a finding given by a Court, it may have found force. Adultery was not proved by leading evidence by the husband. Therefore, the same is not proved
3. In view of the above, criminal revision is dismissed.

Sd/-
(Deepak Gupta)
Chief Justice