

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.690 of 2011**

Smt. Shanti Bada W/o Silbanus Khalko aged about 26 years resident of Sector 5 Quarter No.419 Balko Nagar Post and Police Station Balko Nagar Tahsil and District Korba Chhattisgarh

---- Petitioner**Versus**

Silbanus Khalko S/o Shri Geje Khalkho aged about 32 years resident of Shiv Nagar Rumgara Police Station Balko Nagar Tahsil and District Korba Chhattisgarh

---- Respondent

For Petitioner	:	Shri Yogeshwar Sharma, Advocate.
For Respondent	:	Shri Ratnesh Kumar Agrawal, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****09/12/2016**

1. This revision petition by the wife is directed against the order dated 4.11.2011 passed by the Family Court, Korba in M.J.C. No.150 of 2010 whereby the Learned Family Court has dismissed the petition filed by the wife under Section 125 Cr.P.C. for grant of maintenance.
2. It is not disputed that the parties were married to each other according to Christian rites on 28.12.2008. It appears that soon after the marriage, a dispute arose between the parties. On 23.8.2009 some meeting was also held in the Church to resolve the dispute. The wife filed an application for grant of maintenance under Section 125 Cr.P.C., which was rejected by the Learned Family court only on the ground that Respondent-Husband is willing to maintain his wife and wife has not proved any ground to show why she is living separately from her husband.

3. The view taken by the Learned Family Court is hyper technical. In the last few years, the law has evolved and these benevolent provisions have been interpreted for the benefit and protection of destitute ladies. A wife does not leave her matrimonial house without any reason. Nothing has been spelt out by the husband as to why his wife has left her matrimonial house. Therefore, the wife is entitled to maintenance.

4. It is stated that though the husband is working in Balco, but he is a labourer. Therefore, I award a sum of Rs.1,000/- per month as maintenance to the wife. This maintenance shall be payable w.e.f. 25.11.2011. The husband shall pay Rs.1,500/- per month (Rs.1,000/- for maintenance and Rs.500/- for previous arrears) and he shall continue to pay this amount till arrears are paid off and thereafter he shall start paying only Rs.1,000/- per month for maintenance.

5. Learned Counsel for the Appellant-wife is directed to supply the bank account number of the wife to the Learned Counsel for the Respondent-husband within a period of four weeks so that the husband can straightaway deposit the amount in the bank account of the wife and no dispute arises with regard to the payment.

6. The revision petition is allowed in the aforesaid terms.

Sd/-
(Deepak Gupta)
Chief Justice