

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 616 of 2016**

- Bijeram S/o Deehuram Lodhi, aged about 44 years, R/o Village Beejagaond, Thana/Tahsil – Saja, Distt – Bemetara (C.G.)

**---- Applicant**

**Versus**

- Sybdaribai w/o Bijeram Lodhi, aged about 40 years, R/o Village-Beejagaond, Thana/Tahsil- Saja, Distt. Bemetara,

At present R/o Village – Bundeli, Tahsil Chhuikhadan, Distt. Rajnandgaon (C.G.)

**---- Respondent**

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For Applicant : Shri Samir Singh, Advocate

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order On Board By**

**08/07/2016**

1. By way of the present revision petition which is challenged in the order dated 06/06/2016 passed by the Family Court, Khairagarh in Miscellaneous Criminal Case No. 71/2014.
2. By the impugned order the Court below in a proceeding under Section 125 of the Cr.P.C. has allowed the application for grant of maintenance in favour of the non-applicant-wife to the tune of Rs. 1500/- per month. It is this order which has been assailed by the applicant in the present revision petition. According to the counsel for the applicant the present applicant and the non-applicant had got themselves married 20 years back and she has stayed with him for only couple of year. Thereafter she has being staying separately and that it is only in the year 2014 she has moved an application seeking maintenance from the applicant whereas for all these 16-18 years she could survive herself without any maintenance, which itself is sufficient indication

that she had her own source of income. Admittedly the marriage with the non-applicant and present applicant has not been dissolved by any legal court and she continuous to be wife of the present applicant and the fact that while the first marriage survives the present applicant having already kept another lady from whom he has two children which is sufficient ground for non-applicant to leave the matrimonial home. Further the record show that the Ex.P/3 to Ex.P/5 are the documents in respect of the complaint lodged by the non-applicant-wife against the present applicant showing cruelty met by the present applicant against the non-applicant-wife. All these facts stated above which has come before the Court below clearly indicates that the non-applicant-wife had valid reasons not to reside with the present applicant and in the said circumstances she is entitled for maintenance. With the evidence which have come on record it cannot be said that the amount of Rs. 1500/- to be paid to the non-applicant-wife as maintenance to be exorbitant or on higher side calling for any interference by this Court exercising its revisional powers. The amount awarded by the Court below is purely based on the evidence which have come on record and is therefore proper, legal and just.

3. Accordingly, the revision petition being devoid of merits is accordingly dismissed.

Sd/-

(P. Sam Koshy)  
Judge