

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 848 of 2016

Uma Bai wife of Narayan Satnami, aged about 40 years, R/o village Baharmuda at present Jhalmala, PS Pipariya, Tahsil Kawardha, District Kabirdham (CG)

---- Applicant

Versus

Naryan son of Nohar Satnami, aged about 42 years, occupation Krishi and Trailer, R/o village Baharmuda, PS Pipariya, Tahsil Kawardha, District Kabirdham (CG)

---- Respondent

For Applicant : Shri C. R. Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/09/2016

The present Criminal Revision has been preferred assailing the order dated 02.08.2016 passed by the Family Court Kabirdham (Kawardha) in Misc. Criminal Case No. 302/2016 whereby the Court below has rejected the claim application preferred by the applicant under Section 125 of CrPC.

2. Counsel for the applicant assailing the impugned order submits that the Court below has not properly appreciated the evidence which has come on record and in a mechanical manner has rejected the claim application. According to the counsel for the applicant, there has been sufficient proof laid by the applicant to establish the marriage performed under the customary practice of Chudipratha between the applicant and the respondent which has not been considered by the Court below while considering the application under Section 125 CrPC. Thus, counsel for

the applicant prays for quashment of the impugned order and grant of maintenance to the applicant.

3. However, on perusal of the record as well as the impugned order it is reflected that there is ample evidence which has been brought on record whereby it is reflected that the applicant is said to have originally married to one Ajuram and that the applicant has not been able to show that her marriage with the said Ajuram has been legally dissolved. It is also the finding of the Court below that the applicant has failed to establish the marriage between the applicant and the respondent so as to attract the provisions of Section 125 of CrPC claiming for maintenance. The applicant in the present revision petition also has not been able to establish by any cogent documentary proof or establish from the evidence brought before the Court below that there was any legal marriage performed between the applicant and the respondent. In the absence of any such material on record in the present revision petition and also before the Court below it cannot be said that the Court below has committed any illegality or infirmity rejecting the claim application under Section 125 CrPC.

4. Thus, the present Criminal Revision being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE