

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 770 of 2016**

- Arjun Morya S/o Baisakhu Morya, Aged About 27 Years Caste - Muriya, R/o Village Pandaripani, Pamelapara, Police Station - Parpa, District Bastar Chhattisgarh

---- Applicant**Versus**

1. Smt. Kumari Mourya W/o Arjun Morya, Aged About 25 Years Caste - Muriya, R/o Village Kurega, Police Station Parpa, District Bastar, Chhattisgarh
2. Kumari Riya, D/o Arjun Morya, Aged About 1 Years 6 Month, Minor And Represented Through Her Mother Smt. Kumari Morya (Respondent No. 1), Caste - Muriya, R/o Village - Kurega, Police Station - Parpa, District - Bastar, Chhattisgarh

---- Non-applicants

For Applicant : Mr. Ravi Kumar Bhagat, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19/08/2016**

1. The present Revision Petition has been filed challenging the order dated 13.07.2016 passed by the Family Court, Bastar District – Jagdalpur in Misc. Case No. 20/2015 whereby the Court below in proceedings under Section 125 of the Cr.P.C. has allowed the application and granted Rs. 1500/- per month as maintenance to Non-applicant No.1 and Rs. 500/- per month to Non-applicant No.2.
2. Learned Counsel for the Applicant assailing the said order submits that the stand that has taken by the Non-applicant before the Court below was that there was no marriage between the Applicant and Non-applicant No.1 and that there was no long cohabitation also between the parties. Therefore, the grant of maintenance was bad in law. He

further assailing the said order submits that the quantum of amount of maintenance is on higher side and is beyond the paying capacity of the present Applicant.

3. However, on perusal of the records what is reflected that the Non-applicant wife in course of producing evidence before the Court below has specifically brought witnesses that in addition to PW-1, the Non-applicant wife, PW-2 Sukri Bai and PW-3 Nagdu a local resident of the village. These witnesses have specifically stated before the Court below about the marital relationship between the Applicant and Non-applicant No.1. They have also categorically stated before the Court of having participated in the marriage between the two and also the two having stayed for quite some time at village Pandaripani. The records also reflects that there was no substantive rebuttal to these averments made by the Non-applicant wife and her witnesses and therefore the finding arrived at by the Court below appears to be proper, legal and justified and does not warrant any interference.
4. So far as the quantum is concerned there is no strong case made out by the Applicant to interfere with the quantum.
5. The Revision Petition accordingly being devoid of merits, the same is dismissed.

Sd/-

(P. Sam Koshy)
JUDGE