

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 967 of 2015

1. Harish Yadav S/o Late Babulal Yadav, aged about 28 years, R/o Aadrash Book Depo, Bus Stand, Village - Sambhalpur, P.S.- Dondilohara, P.S. - Balod, District – Balod, Civil District Durg & Revenue District - Balod, Chhattisgarh

---- Applicant

Versus

1. Smt. Pushplata Yadav W/o Harish Yadav aged about 24 years, D/o Shiv Kumar Yadav, R/o House No. 29 Naya Shankar Nagar, Khamardih Basti, Ahead of Santosh General Store, Near Ramleela Chowk, Raipur, Chhattisgarh

---- Non-applicant

For Applicant:
For Non-applicant:

Shri A.K. Prasad, Advocate
Shri Ashish Surana, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

12/01/2016

1. With the consent of the parties, both the revisions are heard finally.
(Parties shall hereinafter be referred to as per their description before the Family Court.)
2. Challenge in this revision is to the order dated 28.10.2015 passed by the 1st Additional Principal Judge, Family Court, Durg in Misc. Judicial Case No.282/15 partly allowing the application filed by the applicants under Section 125 Cr.P.C. and directing the non-applicant to pay Rs.25,000/- per month as maintenance to them.
3. Counsel for the applicant submits that the Court below while passing the impugned order has not taken into consideration the averments made by the applicant in the reply. He further submits that the non-applicant has left the company of the applicant voluntarily without there being any sufficient reason and as such she is not entitled to receive any maintenance from him. He further submits that even after lodgement of false case under Section 498A of IPC against the applicant & his family members, the

applicant is ready to keep the non-applicant with him. The applicant has no earning and as such, he cannot pay maintenance amount to the non-applicant.

4. On the other hand, counsel for the non-applicant submits that the order impugned is strictly in accordance with law warranting no interference by this Court.
5. From the pleadings of the parties, it appears that the applicant used to beat his wife after consuming liquor and therefore she has left his company. Record further goes to show that on 11.4.2014 counselling in the Mahila Police Station, Raipur was held in which the applicant has not only misbehaved with the non-applicant but also left the counselling in the midst and thereafter only the FIR under Section 498A of IPC was lodged.
6. Considering the fact that the applicant being the husband of the non-applicant is bound to maintain his wife as he maintains himself though he may be unemployed and further considering that the applicant is able bodied person and in the present day going-up cost of living even an unskilled person earns at least Rs.150/- per day, the Court below has rightly awarded maintenance of Rs.2,500/- per month to the non-applicant, who is residing separately on account of cruelty meted out by her husband.
7. Consequently, I do not find any reason to interfere with the order impugned. The revision being without any substance is liable to be dismissed and is, accordingly, dismissed

Sd/-
(Pritinker Diwaker)
Judge

roshan/-