

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 452 of 2016**

Banwari Lal Singhanian S/o Late Jwala Prasad Singhanian Aged About 48 Years R/o 26, P.K. Tagore Street, 1st Floor, Shashi Sadan, Nutam Bazar, Rajbadi, Kolkata 6, (West Bengal) (Non Applicant)

---- Applicant**Versus**

1. Smt. Preeti Singhanian W/o Banwari Lal Singhanian Aged About 36 Years R/o At Present Through O.P. Agrawal, House No. C-2, Ashoka Ratna, Shankar Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh. [Applicants]
2. Minor Harshwardhan Singhanian S/o Banwari Lal Singhanian Aged About 15 Years [Respondent No. 2 Being Minor On Behalf Of Through Their Legal Guardian Mother Smt. Preeti Singhanian W/o Banwari Lal Singhanian] R/o At Present Through O.P. Agrawal, House No. C-2, Ashoka Ratna, Shankar Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh. [Applicants]
3. Minor Jaiwardhan Singhanian S/o Banwari Lal Singhanian Aged About 12 Years [Respondent No. 3 Being Minor On Behalf Of Through Their Legal Guardian Mother Smt. Preeti Singhanian W/o Banwari Lal Singhanian] R/o At Present Through O.P. Agrawal, House No. C-2, Ashoka Ratna, Shankar Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh. [Applicants]

----Non-Applicants

For Applicant:	Shri Shivendu Pandya, Advocate.
For Non-Applicants:	None.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

13.6.2016

1. Present is a Revision challenging the order dated 7.1.2016 passed by the Family Court, Raipur in Criminal M.J.C No.119/2014.

2. Brief facts of the case are that Non-Applicant No.1 is the wife of the Applicant and Non-Applicants No.2 & 3 are the children born out of their wedlock. Non-Applicants have moved an application under Section 125

Cr.P.C before the Family Court at Raipur seeking maintenance. It was alleged by Non-Applicant No.1 - wife that on account of the cruelty and torture met by the present Applicant – husband, she was forced to leave her matrimonial home and started living separately with her parents and that for her sustenance, she was not being provided any monetary help by the Applicant and that led to the filing of the application seeking maintenance. It was further alleged by Non-Applicant No.1 that various attempts have been made by her to patch up and settle the disputes between them but each time they failed and therefore she had no other choice but to live separately from the present Applicant. Apart from her, she has also led evidence of other family members who would give narration of facts so far as the cruelty met by the present Applicant and also the differences between the Applicant and Non-Applicant No.1.

3. Based upon the said facts which have been brought before the Family Court, the impugned order dated 7.1.2016 was passed directing the present Applicant to pay an amount of Rs.10,000/- to Non-Applicant No.1 and an amount of Rs.10,000/- to Non-Applicants No.2 & 3 i.e. a total amount of Rs.20,000/- has been awarded as maintenance payable by the Applicant to the Non-Applicants.

4. Challenge to the said order by way of the present Revision Petition is on the ground that the Court below has not appreciated the evidence led by Applicant properly and has also not considered the factual aspect of the financial status and capacity of the Applicant before imposing the maintenance amount of Rs.20,000/- payable to the Non-Applicants.

5. Learned Counsel for the Applicant submits that Non-Applicant No.1 has

left the company of the Applicant without any justifiable reasons and that all the allegations and averments made by the Non-Applicant No.1 are false and baseless.

6. However, perusal of the impugned order would clearly indicate that there have been sufficient evidence led by Non-Applicants before the Family Court and also the evidence of the present Applicant who was the Non-Applicant before the Family Court giving sufficient indication to the fact that there had been frequent disputes between the Applicant and Non-Applicant No.1 and that for more than a couple of occasions, Non-Applicant No.1 left her matrimonial home as she could not sustain the cruelty and torture met by the present Applicant. There was a categorical finding of fact by the Court below stating that the evidence which has come on record shows that Non-Applicant No.1, on more than one occasion, has gone from Raipur to stay with the Applicant at his house at Calcutta for some time, but the dispute would again surface and because of the differences, she was forced to come back to Raipur giving sufficient indication that Non-Applicant No.1 was always willing to stay with the Applicant and for which she had also made efforts on more than one occasion.

7. Considering all these facts and circumstances which have come on record in the impugned order and also reflected from the evidence of the witnesses adduced by either side, this Court is of the opinion that there has been no error committed by the Court below in reaching to the conclusion vide the impugned order dated 7.1.2016 calling for interference.

8. It is also pertinent to mention at this juncture that in the entire pleadings of the Revision Petition as well as from the evidence which has come on

record, there does not seem to be any evidence given by the Applicant to show that his financial condition is not of the level whereby he cannot pay the amount awarded by the Family Court.

9. For all these reasons, this Court is of the opinion that the Revision Petition, being devoid of merits, the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)

JUDGE

Priya