

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 535 of 2016**

Mahavir Dewangan S/o Shri Goverdhan Dewangan Aged About 25 Years Caste Koshtha, R/o Village Paragon, Tahsil & Police Station Abhanpur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

Smt. Kirti Dewangan W/o Mahavir Dewangan Aged About 23 Years Caste Koshtha, R/o Village Sarangpal, District North Bastar Kanker, Chhattisgarh.

---- Non-applicants

For Applicants :

Mr. Ashish Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20.06.2016**

1. The present Criminal Revision has been preferred against the order dated 29.06.2015 passed by the Family Court, Kanker (C.G.) in Criminal Case No. 25/2015. Vide the said impugned order the Court below has granted maintenance of Rs. 1500/- per month to the Non-applicant.
2. Learned Counsel for the Applicant submits that it is a case where a child born from the relationship between the Applicant and Non-applicant is in the custody of the present Applicant and that it is the Non-applicant herself who is not willing to stay with the Applicant and without any strong reason has left the matrimonial house, this aspect has not been properly appreciated by the Court below, thus calling for interference with the impugned order.

3. In the contrary, bare perusal of the record would show that the Non-applicant on many occasions had given her categorical consent that if the Applicant visits her place and takes her to his house, she is willing to stay with him. On going through the record would also show that the present Applicant till date has never visited the house of the Non-applicant to bring her to stay together. With the aforesaid findings of fact, the Court below taking into consideration the entire evidence brought in the case and considering the financial status of the Applicant being a tailor has granted maintenance of Rs. 1500/- per month.

4. In the opinion of this Court the Court below has not committed any error of law or perversity while passing the impugned order. The categorical findings of the Court below that the present Applicant has never made even a single attempt to visit the house of the Non-applicant to bring her for staying with him, in spite of several efforts being made by the village elders who have also given a categorical statement that Non-applicant wife was willing to go with the Applicant provided the Applicant comes to take her to the matrimonial home.

5. With the said categorical findings the grant of maintenance to the Respondent does not seem to be bad in law and nor can the amount of Rs. 1500/- per month which comes to only Rs. 50/- per day to be exorbitant or beyond the capacity of the Applicant.

6. For the aforesaid reasons the instant Criminal Revision being devoid of merit, the same is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE