

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 588 of 2016

- Ruparam S/o Jhoognoram Aged About 26 Years, Caste - Mahakul R/o Village - Jhimki, Tahsil - Pathalgaon, P.S. - Pathalgaon, Civil & Revenue Distt. - Jashpur Chhattisgarh

---- Applicant

Versus

1. Smt. Kumaribai W/o Ruparam Aged About 23 Years,
2. Minor Bharti Yadav D/o Ruparam, Aged About 1 Years,

Non-applicant No. 2 through Natural Guardian Mother Kumaribai W/o Ruparam, Caste - Mahakul

Both are R/o Village - Jhimki, At Present R/o - Village - Pithaaama, Tahsil - Pathalgaon, Distt. Jashpur Chhattisgarh

---- Non-applicants

For Applicant : Shri Sanjay Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board By

01/07/2016

1. Challenge through the present Criminal Revision is to the order dated 19/05/2016 passed by the Family Court, Jashpur (C.G.) in Misc. Criminal Case No. 170/2015, whereby the Court below has awarded an amount of Rs.1500/- and Rs. 1000/- as maintenance to the non-applicants.
2. Counsel for the applicant submits that finding of the Court below is bad in law for the reason that there is no satisfactory explanation given by the non-applicant No. 1 to leave her matrimonial home and stay separately at her parental home. He further submits that the amount awarded by the Family Court of Rs.2,500/- is on the higher side as it is beyond the paying capacity of the present applicant.

3. Having considered the submission put forth by the counsel for the applicant and on perusal of the record it apparently appears that there is specific allegation made by the non-applicant No.1 wife against the present applicant that he has been living with another lady namely Parmila, R/o village Jhimki and has kept her as wife, for the said reason non-applicant No.1 wife had to leave the matrimonial home. This in the opinion of the Court is a sufficient good ground for not saying with the husband. Further from the evidence it also reflects that the averment made by the Non-applicant No.1 that the applicant has 10 acres of agricultural land, but there is no evidence to disprove the same. Non-applicant No.1 has also made a statement that the present applicant-husband is working as a Driver in the village and does other agricultural work also. There is no serious rebuttal to all this averment neither has to wife been subjected to cross-examination in this regard to falsify the said contentions.
4. Considering there averments made which have come on record, the Court has assessed the monthly income of the present applicant-husband to be around Rs.7000/- and accordingly an amount of Rs.1500/- to the non-applicant No. 1 and Rs.1000/- to the non-applicant No. 2 has been awarded.
5. In the opinion of this Court, the maintenance awarded by the Court below is fully proper and justified and does not warrant any interference.
6. Accordingly, the present revision petition being devoid of merits, the same is dismissed.

Sd/-
(P. Sam Koshy)
Judge