

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 164 of 2015

- Hariram Patel S/o Kashiram Patel Aged About 50 Years R/o Dabhara Khurd, Ps Birra Tah. Champa And Distt. Janjgir Champa C.G.

---- Appellant

Non applicant

Versus

- Jamuna Patel S/o Hariram Patel Aged About 25 Years R/o Dabhara Khurd Ps Birra, Tah. Champa Distt. Janjgir Champa C.G.

---- Respondent

Applicant

For appellant : Shri Avinash Mishra, Advocate.
For Respondent : Shri Ravindra Sharma, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

06/01/2016

With the consent of the parties, the matter is heard finally.

02. This revision is directed against the order dated 14.1.2015 passed by the Family Court, Janjgir whereby allowing the application as filed by the respondent under Section 125 CrPC, maintenance of Rs.2700/- p.m. has been granted in her favour.

03. Relationship between the applicant and the respondent is not in dispute. The applicant is father of the respondent. In her application, it has been pleaded by the respondent that she is a physically handicapped lady, unable to maintain herself and on account of being thrown out by the applicant she is living in orphanage. She has further stated that the applicant is earning Rs.15,000/- per month by working as mason and also has 6 acres of agricultural land, from which he is earning Rs.4 lacs per annum.

04. The averments made in the application under Section 125 CrPC were denied by the applicant in his reply.

05. The Family Court has recorded a finding that the applicant has performed second marriage, is earning sufficiently, has thrown out the respondent and under compulsion she is living in orphanage. After considering all the aspects of the case, the Family Court has awarded Rs.2700/- per month as maintenance.

06. Counsel for the applicant submits that the Court below has not considered all the aspects of the case, in particular the fact that the applicant is willing to keep the respondent with him. He submits that the amount awarded by the Family Court as maintenance is too excessive.

07. On the other hand, opposing the submission made by the applicant, it has been argued by Shri Sharma that till date the applicant has not paid any amount to the respondent and she is in starving condition and somehow surviving by living in orphanage.

08. Considering the facts and circumstances of the case, I do not find any illegality or infirmity in the order impugned granting maintenance to the respondent. However, keeping in view the financial position of the applicant, it would be just and proper to award monthly maintenance @ Rs.2200/- instead of Rs.2700/- as awarded by the Family Court. Order accordingly. The applicant is directed to deposit the entire amount of maintenance @ Rs.2200/- p.m. within a period of two months from today, failing which the respondent would be entitled to proceed against him in accordance with law. The order impugned stands modified to the above extent.

09. With the aforesaid observations, the revision stands disposed of.

Sd/

(Pritinker Diwaker)

Judge