

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 961 of 2015

- Santosh Sahu S/o Kapil Sahu Aged About 30 Years Caste Sahu; R/o Village Khokhri; Police Station Shiorinarayan; District (Rev. And Civil) Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- Smt. Ashalata Sahu W/o Santosh Sahu Aged About 23 Years R/o Village Khokhri; Police Station Shiorinarayan; At Present Kharaud; Police Station Shiorinarayan; District (Rev. And Civil) Janjgir Champa (Chhattisgarh).

---- Respondent

For Applicant	: Shri V.K.Pandey, Advocate.
For Non-applicant	: None present.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

27/01/2016

Heard on admission.

2. Non-applicant filed application under Section 125 Cr.P.C. seeking Rs. 15,000/- per month as maintenance from the applicant.

3. It has been pleaded by the non-applicant that her marriage was solemnized with the applicant on 17.5.2013 and immediately thereafter she was subjected to cruelty by the applicant for demand of dowry. In the compelling circumstances, the non-applicant had left the house of the applicant and is residing with her parents. According to the non-applicant, the applicant is working as supervisor and his monthly salary is about 20,000/- per month and this apart, he has agriculture land from which he is earning Rs. 1,50,000/- per annum. It has also been pleaded by the non-applicant that she is not in a position to maintain herself and therefore suitable maintenance be awarded to her.

4. After considering all the aspects of the case the court below has come to the conclusion that the non-applicant is not earning anything and is not in a

position to maintain herself and considering the monthly income of the applicant she is entitled for Rs. 3,000/- per month as maintenance amount and Rs. 1,000/- as cost of litigation. It is this order which has been challenged by the applicant in this revision.

5. Counsel for the applicant submits that the non-applicant is living separately without any justification, the monthly income of the applicant is not as such where he can pay the amount of maintenance to the non-applicant.

6. After considering all the aspects of the case it has been observed by the court below that the applicant is working in a private company and is earning Rs. 8,000/--10,000/- per month and apart from this he is also having agriculture land from which he is earning Rs. 1,50,000/- per annum whereas the non-applicant has no source of income and looking to the present cost of living she is entitled for the maintenance amount. I find no reason to entertain the present revision and to interfere with the order impugned. The revision fails and is hereby dismissed.

Sd/-

Pritinker Diwaker
Judge