

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1014 of 2015**

1. Mohammad Asif S/o Late Mohammad Haroon Aged About 48 Years Muslims, Occupation Business, R/o Ward No. 04, Akaltara, Distt. Janjgir Champa, Chhattisgarh.
2. Mohammad Ashraf S/o Late Mohammad Haroon Aged About 50 Years Muslims, Occupation Business, R/o Ward No. 7, Akaltara, Tahsil Akaltara, Distt. Janjgir Champa, Chhattisgarh.
3. Mohammad Aarif S/o Late Mohammad Haroon Aged About 45 Years Muslims, Occupation Business, R/o Ward No. 7, Akaltara, Tahsil Akaltara, Distt. Janjgir Champa, Chhattisgarh.

---- Petitioners

Versus

- Smt. Aameena Bai Wd/o Late Mohammad Haroon Aged About 61 Years R/o Village Akaltara, Tahsil Akaltara, Distt. Janjgir Champa, Chhattisgarh.

----Respondent

For Petitioners
For Respondent

Shri Salim Kazi, Advocate.
Shri N.K. Chatterjee, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****26/09/2016**

1. The present Revision Petition has been preferred against the order dated 28.09.2015 whereby the Judge, Family Court, Janjgir-Champa has ordered to each of the applicants to pay Rs. 1000/- to the Non-applicant towards maintenance.
2. The undisputed fact in the instant case is that the Non-applicant is the mother of the Applicants No. 1-3. The mother on 21.08.2012 initiated proceeding under Section 125 CrPC against her sons

claiming maintenance. According to the Non-applicant she has no source of income to sustain herself and she was fully dependent upon the three Applicant-sons and since they have refused to maintain her, forced her to move an application under Section 125 Cr.P.C..

3. A perusal of the impugned order dated 28.09.2015 would show that each of the Applicants was directed to pay only Rs. 1,000/- per month to the Non-applicant for her maintenance. Assailing the said order Applicants submit that it is the case where the Court below has not properly appreciated the facts, firstly, the Non-applicant has no reason for not staying with the Applicants therefore she would not be entitled to receive maintenance amount. Secondly, it is the case where Non-applicant has illegally sold some family property to her son-in-law which otherwise would have fallen upon the present Applicants in partition and further that she from that sale consideration itself has received sufficient amount to sustain herself. Learned Counsel for the Applicants further submits that even otherwise the family property has been partitioned between the Applicants and the Non-applicant mother. The Non-applicant mother has also got a portion of share in it. Thus, it clearly reflects that the non-applicant has sufficient source to sustain herself.
4. Learned Counsel for the Non-applicant however opposing the Petition submits that even if there is any partition that has taken place and she has got a portion of its share in the family property,

this property is not sufficient to sustain herself. The Counsel for the Non-applicant further submits that the present applicants who are the children of the non-applicant should not expect the non-applicant to sell the property which is in her share to sustain herself.

5. True it is that the applicants are the children of the Non-applicant mother and it is the bounden duty of the children to take care of their parents in old age. Taking into consideration each of the sons to pay a minimum amount of only Rs. 1000/- to the Non-applicant mother so that she may sustain herself, in the opinion of this Court cannot be said that the Court below has committed any illegality or infirmity while passing the said order.
6. So far as the quantum of the amount ordered to be paid is concerned, taking into consideration the amount is neither exorbitant nor on higher side. The liability of each of the Applicants is only Rs. 1000/- totaling Rs. 3000/- per month which in case if it is distributed among 30 days a month it will fall somewhere around Rs. 100/- a day which is barely sufficient for a person to sustain. Therefore, in the opinion of this Court no strong case has been made out for interfering with the impugned order.
7. Accordingly, the Revision Petition being devoid of merits, stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE