

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 121 of 2017**

Tularam Verma S/o Jhadi Ram Verma Aged About 60 Years Occupation Agriculturist, R/o Village Jhaal, Tehsil Bemetara, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- **Petitioner**

Versus

Smt. Rukhmani Bai Verma W/o Tularam Verma R/o Village Lolesara, Tehsil Bemetara, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- **Respondents**

For Petitioner : Shri PP Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/02/2017

1. The present petition has been preferred assailing the order dated 24.12.2016 passed the Illrd Additional Principal Judge, Family Court (Circuit Court) Bemetara, in Misc. Criminal Case No.122/2015. Vide the said impugned order, the court below in a proceeding under Section 125 CrPC has allowed the application and have ordered for payment of Rs.3000/- per month as maintenance to the respondent-wife.
2. Indisputably, the respondent was the wife of petitioner. The marriage between the two took place some 30 years ago. After some time, the relations between the two got strained and respondent is said to have started living separately. It is only on 20.07.2015 the respondent had filed an application for maintenance under Section 125 CrPC stating that she is not able to maintain herself any further. It is this application which was registered as Misc. Criminal Case No.122/2015. During the course

of evidence, the fact which have come on record is that, the present applicant subsequently is said to have entered into second marriage with one Kumari Bai and is staying separately with Kumari Bai. Taking into consideration the evidence which have come on record, the court below has allowed the application under Section 125 CrPC and have ordered for maintenance of Rs.3000/- per month.

3. Assailing the said order, learned counsel appearing for the petitioner submits that he does not want to contest the revision on merit, however, quantum of maintenance fixed by the court below be re-considered. According to him, the petitioner is daily wage worker and he has no regular source of income and only gets remuneration when he is engaged as daily wage worker. He further submits that respondent-wife also works as daily wage worker. She also gets same amount of wage which the petitioner is drawing. Therefore, the maintenance amount of Rs.3000/- awarded by the court below is on the higher side and deserves to be reduced.
4. It is further submitted that it is a case where after the respondent-wife deserted the petitioner, he had entered second marriage and that he has to look after his second wife and three children who are purely dependent upon his income and therefore it is his liability and hence, it would be difficult for the petitioner to sustain himself if he pays Rs.3000/- per month to the respondent-first wife.
5. Having considered the rival contentions put forth by counsel for the petitioner and on perusal of record, what would clearly reflects is the fact that the petitioner in the instant case has not specifically mentioned his actual source of income before the court below except the fact that he is

a daily wage worker. He has also not disclosed anything about the agricultural field which he has and from which he gets agricultural products to sustain his family. Further, from the finding of the court below it also reflects that the petitioner-Husband in his evidence had accepted the fact that he intends to keep the respondent-wife along with him and to maintain her. At the same time, he has also admitted the fact of his second marriage with Kumari Bai and staying with Kumari Bai.

6. If all these facts are taken into consideration and also take note of the amount of maintenance i.e. Rs.3000/- per month, it would clearly reflect that per day maintenance amount comes to only Rs.100/- which in the opinion of this court cannot be said to be on higher side calling for interference of this court as it is anybody's guess as to what would be the minimum amount of money which is required for an individual for sustaining herself taking into consideration the high cost of living in today's world.
7. Thus, the petitioner fails to make out a strong case to interfere with the award impugned. The revision being devoid of merit is liable to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
Judge