

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION NO. 111 OF 2016

Doulat Ram Sahu, S/o Tetku Ram Sahu, aged about 50 years, R/o Ward No.14, Purani Basti, Kurud, Bhilai, Tah. & Distt. Durg (C.G.)

... Applicant

Versus

Smt. Dharmin Bai, W/o Doulat Ram Sahu, aged about 45 years, R/o Ward No. 14, Purani Basti, Kurud, Tah. & Distt. Durg (C.G.), present Address Gram Karhidih, Post Mohan Nagar, Tah. & Distt. Durg (C.G.)

... Non-applicant

For Applicant	:	Mr. Shrawan Agrawal, Advocate.
For Non-applicant	:	Mr. C.K. Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/02/2017

1. The present Criminal Revision under Section 19(4) of the Family Courts Act, 1984, has been preferred by the Applicant assailing the order dated 23.12.2015 passed by the First Additional Principal Judge, Family Court, Durg, in Misc. Criminal Case No. 525 of 2015.
2. Vide impugned order dated 23.12.2015, the Court below in a proceeding under Section 125 of CrPC has allowed the application and ordered the present Applicant to pay an amount of Rs.2700/- per month as maintenance to the present Non-applicant.
3. Learned Counsel for the Applicant assailing the impugned order submits that it is a case where the Court below has not properly appreciated the evidence which have come on record to show that the Non-applicant has left the matrimonial home without any justified and cogent reasons. It was also contended by the Counsel for the Applicant that the Applicant had made repeated efforts and had also sent his son for calling the Non-applicant but she has not cooperated and refused to stay along with the present Applicant and thus he prayed for the setting aside of the impugned order. He further

submits that the present Applicant is a Mason by profession and does not have sufficient source of income so as to pay Rs.2700/- per month to the Non-applicant.

4. Learned Counsel for the Non-applicant however opposing the criminal revision submits that it is a case where the circumstances were so created by the Applicant for which the Non-applicant was compelled to leave her matrimonial home. According to the Counsel for the Non-applicant, the present Applicant meanwhile had started staying with another lady, namely, Meera Bai, and it is for this reason that the Non-applicant had to leave her matrimonial home. He further submits that present Applicant is living with the said lady Meera Bai and she has been reflected as the wife of the present Applicant, as is established from the deposition of the Applicant Witness No.3 - Mamta Thakur who had referred to the Electoral Roll to prove the fact that the name of the present Applicant has been recorded as the husband of the said Meera Bai. He further submits that it is a case where the Non-applicant has no sufficient source of income and therefore she was forced to move an appropriate application for grant of maintenance.

5. Having considered the rival contentions put forth on either side and on perusal of the record, what clearly reflects is the fact that the marriage between the present Applicant and the Non-applicant had taken place on 22.4.1980. The marriage went on for around 28 years and thereafter the relationship got strained and which lead the Non-applicant to leave the matrimonial home. Further, from the cross-examination of the present Applicant, as is reflected from paragraph 11 of the impugned order, it is established that there is some other proceeding also pending against the present Applicant in respect of his staying with another lady. These facts are sufficient enough to draw an inference that the relationship between the present Applicant and the Non-applicant were not cordial but strained and

therefore there was justifiable reason for the Non-applicant to leave her matrimonial home.

6. Now coming to the question of the amount of maintenance awarded by the Court below, if we look into the amount of maintenance awarded by the Court below, it would reflect that an amount of Rs.2700/- has been awarded by the Court below to the Non-applicant to be paid by the present Applicant every month. If we distribute the said amount between 30-31 days of a month, it would be less than Rs.100/- a day. Therefore, the same cannot be said to be exorbitant and on the higher side, for calling interference with the impugned order.

7. Thus, for the foregoing reasons, this Court is of the opinion that no strong case has been made out by the Applicant to interfere with the impugned order. The present Criminal Revision thus being devoid of merits the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge