

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 13 of 2017**

- Shrawan Kumar Vastrakar S/o Bhagwat Prasad Vastrakar, Aged About 28 Years R/o Village- Pendari, Police Station- Chakarbhata, District- Bilaspur Chhattisgarh.

---- Applicant**Versus**

- Smt. Reeta Vastrakar W/o Shrawan Vastrakar, Aged About 24 Years D/o Narayan Prasad Vastrakar, At Present R/o Village- Bharari, Police Station- Kota, District- Bilaspur Chhattisgarh.

---- Respondent

For Applicant

Mr. S.K. Verma, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****06.01.2017**

1. Heard on I.A. No.1/2017 which is an application for condonation of delay.
2. For the reasons assigned in the said application and the same found to be satisfactory, I.A. No. 1 stands allowed. The delay of 46 days in filing the present Revision is condoned.
3. The present Petition has been preferred assailing the order dated 04.08.2016 passed by the Family Court Bilaspur in M.C.C. No. 519/14.
4. The facts of the case in brief is that Respondent along with Ku. Prathna Vastrakar, the minor daughter of the present applicant had moved an application before the Family Court Bilaspur under Section

125 Cr.P.C. seeking for maintenance. The Court below after considering the evidence which have come on record vide the impugned order allowed the application for grant of maintenance ordering that Respondents herein is entitled for maintenance for an amount of Rs. 1500 per month. The Court below has also allowed grant of Rs. 1000/- to be paid to the daughter of the present Applicant.

5. Learned Counsel for the Applicant submits that by way of the present Revision Petition he intends to challenge only part of the order granting maintenance to the wife and he does not have any objection so far as paying the maintenance amount to his daughter is concerned.
6. Learned Counsel for the Applicant submits that the ground for challenging the order in favour of the Respondent is first that the Court below has not appreciated the fact that the present Applicant does not have any source of income in as much as the present Applicant is a law student. Therefore the order of the maintenance could not have been passed against him. Likewise the Counsel for the Applicant also tried to emphasis on the fact that the Respondent wife has left the house without any strong cogent reasons and therefore also she would not be entitled for any amount of maintenance.
7. Further perusal of the record it clearly shows that the present Applicant after filing written reply to the claim of the applicant before the family Court he did not further agitate the matter in as much as he has not effectively cross examined the claimant wife before the Court below for rebuttal of the contention she had raised. Neither

has the present Applicant adduced any evidence on his behalf before the Court below to rebut the facts in the claim application. In the absence of any evidence on the part of the present Applicant also as the fact that he has not cross examined claimant, this Court has no hesitation in reaching to the conclusion that Court below has rightly reached the conclusion that the claimant wife and children are entitled for maintenance from the present applicant.

8. As regards whether the amount is exorbitant or is beyond the paying capacity of the Petitioner is concerned, this Court has again no hesitation in reaching to the conclusion that the amount awarded by the Court can not be said to be on higher side or is exorbitant. The amount of Rs. 1500/- which has been awarded to the Respondent, if is divided into the number of days in a month it comes to around Rs. 50/- a day which is the bare minimum amount with which any human being can sustain himself. Thus this Court does not find any strong ground for interfering with the impugned order.
9. Thus, the present Revision being devoid of merits stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE