

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 71 of 2017**

- Umed Yadav S/o Ramjatan Yadav, Aged About 30 Years (Wrongly Mentioned As Umesh Yadav), R/o Village- Chhichhli (Ra), Duhapath, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

1. Gulamati W/o (Umed Yadav) Aged About 28 Years (Wrongly Mentioned As Umesh Yadav), R/o Village Chhichhli (Ra), Duhapath, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.
2. Ku. Gangavati D/o (Umed Yadav) Aged About 6 Years (Wrongly Mentioned As Umesh Yadav), Minor, Represented Through Mother Gulamati, R/o Village Chhichhli (Ra), Duhapath, Tahsil- Bagicha, District- Jashpur, Chhattisgarh.

---- Non-applicants

For Applicant

Mr. J.K. Saxena, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19.01.2017**

1. The present Revision Petition has been preferred assailing the order dated 22.12.2016 whereby the Court below in a proceeding under Section 125 of the Cr.P.C. allowing the same has ordered for payment of Rs. 2500/- to Non-applicant No.1 and Rs. 1500/- to Non-applicant No. 2.
2. Learned Counsel for the Applicant submits that the amount of maintenance awarded to be exorbitant and on the higher side.
3. According to the counsel for the Applicant the entire income of the Applicant is only Rs. 4000/-. if the entire amount is given to the

Respondent he would find it difficult for sustaining himself. Therefore the amount may be reduced.

4. Learned Counsel for the Applicant further submits that the present Applicant is ready to keep the Non-applicants along with him and to take care of their maintenance part.
5. However, on perusal of the record would clearly reflect the admitted facts that the present Applicant has subsequently married another lady and is living with her. This by itself is a sufficient ground for the first wife, Non-applicant No.1 to leave her matrimonial home. In the given facts and circumstances of the case the present Applicant being husband of Non-applicant No.1 and father of Non-applicant No.2 he is duty bound to maintain to his wife and child.
6. Now, so far as whether the amount of maintenance awarded is justifiable or not ? If the said amount of Rs. 4000/- is being provided for the maintenance of two persons i.e. wife and child, it is anybody's guess to assess the minimum money required for maintaining a person for a month and in addition what also is not to be forgotten is the fact that Non-applicant No.2 is aged about 6 years and there is her educational expenses which also is to be met. If these facts are taken into consideration this Court does not find the amount of Rs. 2500/- and Rs. 1500/- allocated to Non-applicants No.1 & 2 respectively to be exorbitant or on the higher side. Once when the relationship between the Applicant and Non-applicants are not in dispute, there is no reason why the Applicant should not be saddled with the responsibility of taking care of the maintenance of the Non-applicants.
7. For the aforesaid reasons, this Court does not find any good ground for interference with the order passed by the Family Court.

8. Accordingly, the Revision Petition being devoid of merits stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

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