

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 269 of 2017**

- Ishwar Rao S/o Apparao, Aged About 42 Years R/o Shiv Nagar, Bhutpara, Near Gaura Chauka, In Front Of Jirakhan Pal Near Kerosene Oil Hacker, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh

**---- Applicant****Versus**

1. Ku. Neha Rao D/o Ishwar Rao, Aged About 15 Years
2. Shubham Rao, S/o Ishwar Rao, Aged About 13 Years
3. Ku. Ritika Rao, D/o Ishwar Rao, Minor,

Non-Applicants are minor, represented through grand maternal mother Prem Bai W/o Late Shankar Pal, Aged About 60 Years, R/o Sanjay Nagar, Jhanda Chowk, Behind Jayram Kirana Store, Tikrapara, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh

**---- Non-Applicants**


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For Applicant : Shri C. K. Sahu, Advocate

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

**08/03/2017**

1. The present Revision Petition has been filed assailing the order dated 19.10.2015 passed by the Principal Judge Family Court, Raipur in Criminal M.J.C. No. 406/2011.
2. By way of the said impugned order, the Court below in a proceeding under Section 125 of Cr.P.C., filed by the minor children through their maternal grandmother, has allowed the application and awarded maintenance for payment of Rs.500/- to each of the three Non-Applicants totaling Rs.1,500/- per month.
3. Learned counsel for the Applicant assailing the impugned order submits that it is a case where the Court has not properly appreciated the evidence which have been led on behalf of the present Applicant. He

further submits that Smt. Sandhya, mother of Non-Applicants, herself deserted the present Applicant and stayed elsewhere. Further contention of learned counsel for the Applicant is that the present Applicant also does not have the capacity for paying the amount of maintenance awarded and thus prays for setting aside of the said impugned order.

4. On plain perusal of the finding given by the Court below it clearly reveals that the Court below has given reasons for the finding it has arrived at and in the said order it clearly reflects that there were compelling circumstances which made the mother of the Non-Applicants to reside separately. Thus, the challenge to the impugned order on merits is not sustainable.
5. So far as the quantum of maintenance which has been awarded by the Court below is concerned, if we look into the amount awarded it is only Rs.500/- per month which has been awarded to each of the Non-Applicants which under no circumstances can be said to be exorbitant or on the higher side.
6. In view of the above, no strong case is made out calling for interference with the order impugned. Thus, the petition being devoid of merits deserves to be and is accordingly rejected.
7. No order as to costs.

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**