

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 330 of 2017

Rohit Gilhare, S/o. Chunnu Lal Gilhare, Aged About 36 Years, R/o. Thelkabandha, Police Station Abhanpur, Tahsil Abhanpur, District Raipur, Chhattisgarh

---- Applicant

Versus

1. Smt. Neeta Gilhare, W/o. Rohit Gilhare, Aged About 28 Years.
2. Lakesh Gilhare, S/o. Rohit Gilhare, Aged About 7 Years.
3. Vikas Gilhare, Aged About 6 Years.

Non-applicant No.2 & 3 are minor through natural guardian mother Smt. Neeta Gilhare, R/o. Thelkabandha, Police Station Abhanpur, Tahsil Abhanpur, District Raipur, Chhattisgarh. At present through Sarju Ram Koshariya, Village Changori (Patan) Tahsil Patan, District Durg, Chhattisgarh

---- Respondents

For Applicant : Mr. Sandeep Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.03.2017

Heard on I.A.No.1, application for condonation of delay in filing the revision.

On due consideration, the application is allowed.

Consequently, the delay in filing the revision is condoned.

Heard on admission.

1. The instant revision petition is against the order dated 28.11.2016 whereby the interim maintenance of Rs.3000/- has been granted to the respondents.
2. Learned counsel for the applicant would submit that the respondent No.1 is the second wife of the applicant and the applicant is already paying maintenance to the first wife by order dated 31.08.2015 as per Annexure A-7, therefore, the interim maintenance at the same

time which is directed to be paid to the respondents are completely illegal.

3. Perused the order dated 28.11.2016. Admittedly, the marriage of the applicant with respondent No.1 was solemnized in the year 2007. The respondent No.2 & 3 are the child born out of the wedlock. After the marriage, it revealed that the applicant had already married to one Devki Joshi and when it was objected, the respondent No.1 was abused, assaulted and was forced to leave her house, therefore, she was constrained to stay in the maternal home alongwith her children.
4. Perusal of the documents would show that the applicant had already married earlier to one Devki Joshi for which she has also filed an application for maintenance wherein the applicant has been directed to pay Rs.3500/- as maintenance. The relationship in between the applicant and respondents are not denied. The respondent No.1 is the wife and respondent No.2 & 3 are the children of the applicant.
5. Reading of the documents would indicate that the applicant though was married has again performed second marriage and he has not maintained the respondents and the relationship between the parties are not disputed. Taking into the quantum of maintenance of Rs.3000/- to the respondents (Rs.1000/- to each) and considering the price index, which is prevailing in the society, I am not inclined to interfere with the order passed by the Court below.
6. In the result, the revision petition is dismissed at the admission stage itself.