

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 426 of 2017

Janaklal @ Sanak Kurre, S/o. Shri Hemram Kurre, Aged About 38 Years,
R/o. Village Tekapar, Police Station & Tahsil Gunderdehi, District Balod,
Chhattisgarh.

---- Applicant

Versus

Smt. Laxmi Kurre, W/o. Shri Janaklal Kurre @ Sanak Kurre, Aged About
30 Years, Present R/o. Village & Post Pauwara, Tahsil & District Durg,
Chhattisgarh.

---- Respondent

For Applicant : Mr. P.R.Patankar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.04.2017

Heard

1. This revision is against the order dated 07.01.2017 passed in Misc. Criminal Case No.18/2014 by the learned Third Additional Principle Judge, Family Court, Durg (C.G.).
2. The brief facts of this case are that the respondent was married to the applicant on 29.04.2002, thereafter, it came to the notice of the respondent that the applicant has kept a concubine. She stayed for 2 ½ months to adjust herself and thereafter she left the house. Subsequently, the applicant started living with another lady and out of such relation, two children were born. In a result, it was difficult for the respondent/wife to continue with him.
3. Perusal of the order would show that the applicant/husband has admitted the respondent as wife and it is stated that though she is a wife, she refused to stay along-with the applicant and further it is

stated that she is an educated lady, her father is BSP employee and she herself is an Anganbadi worker, therefore, she is not entitled for any relief.

4. On the basis of the pleadings, the applicant wife Laxmi Kurre in his statement stated that after the marriage on 29.04.2002 when she joined the applicant, it revealed that the applicant was maintaining relation with another lady, though the applicant was advised to sever the relation but he continued. Thereafter, she stayed alongwith the husband/applicant for 2 ½ months and eventually constrained to come out of the house. It was stated that the father of the applicant is a landlord having 40 acres of land wherein the husband has ¼ share and per year they are earning Rs.10,00,000/-.
5. The husband/applicant admitted the fact that he was married to the respondent/non-applicant in the year 2002. In the cross-examination, it was admitted that one Temin Bai was living alongwith him like a wife and out of such relation, two children were also born, therefore, the statement made by the wife that the husband had an illicit relation with another lady is corroborated and proved. Consequently, the wife when living separately because of another lady was brought to the home, it cannot be stated that without any rhyme or reason she is residing separately.
6. The scrutiny of the evidence as has been narrated in the order would also show that the husband has admitted that the family of the husband have 40 acres of land. Considering the background and facts of this case and the evidence adduced, the amount of Rs.3000/- granted to the wife cannot be stated to be exorbitant or illegal taking into the price index prevailing in the society.

7. In the result, I do not find any reason to admit this revision petition. Accordingly, the revision petition is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge

Ashok