

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 864 of 2017

(Arising out of judgment/order dated 04.08.2017 in Case No. 216/2016 of the learned Judge, Family Court Janjgir Champa)

Ram Lal Kariyare S/o Jagah Rai Kariyare, Aged About 50 Years Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil And Revenue District Janjgir-Champa, Chhattisgarh,

At Present Working as Teacher at Govt. Primary School Sukhari-Khurd, Police Station Urga, Tahsil Kartala, Civil & Revenue District Korba, Chhattisgarh

---- Applicant

Versus

1. Smt. Ghasin Bai Kariyare, W/o Shri Ram Lal Kariyare, Aged About 48 Years Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh
2. Ku. Sunita Kariyare D/o Shri Ram Lal Kariyare, Aged About 25 Years (Permanent Disable Person) Represented Through Legal Guardian Mother Smt. Ghasin Bai Kariyare, Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh
3. Ku. Savita Kariyare D/o Shri Ram Lal Kariyare, Aged About 23 Years Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh
4. Ku. Sarita Kariyare D/o Shri Ram Lal Kariyare, Aged About 19 Years Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh
5. Prakash Kariyare S/o Shri Ram Lal Kariyare, Aged About 16 Years Minor Through Legal Guardian Mother Smt. Ghasin Bai Kariyare, Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh
6. Ku. Sandhya Kariyare D/o Shri Ram Lal Kariyare, Aged About 12 Years Minor Through Legal Guardian Mother Smt. Ghasin Bai Kariyare, Caste Suryawanshi, R/o Village Dewari (Saragaon), P.S. Saragaon, Tahsil Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh

---- Respondents

For Applicant : Mr. Parasmani Shrivastava, Advocate
For Respondents : Mr. P. Chetan Kumar, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

14.11.2017

- 1) Heard on admission.
- 2) This revision is directed against order dated 04.08.2017 passed by the Judge, Family Court, Janjgir Champa District Janjgir Champa (C.G.) in Misc. Criminal Case No. 216/2016, wherein the said Court granted maintenance of Rs. 5,000/- per month to the non-applicant No.1 who is wife of the applicant and Rs. 3,000/- per month each of the non-applicants No.2 to 6 and in all granted Rs. 20,000/- per month.
- 3) It is admitted that the applicant is a regular Teacher in Government school and he is getting Rs. 50,000/- per month. It has come on record that the applicant assaulted and harassed his wife that is why she is living separately. There is good reason for her to live separately and claimed maintenance. The applicant has not filed any application before the any competent Court for restitution of conjugal rights against the wife and he has also not file any application for custody of his children till they are living separately that shows his neglect towards the wife and children and they are entitled for maintenance. Inquiry under Section 125 of the Cr.P.C. is

summary enquiry in which the Court cannot decide as to which party was wrong for not living together. As the applicant earning Rs. 50,000/- per month and the maintenance amount granted for six persons is Rs. 20,000/- per month that cannot be termed as unreasonable or disproportionate. No issues is involved to interfere with the order of maintenance passed by the Family Court and the same is not liable to be interfered with invoking the jurisdiction of revision by this Court.

- 4) For the foregoing, the revision is devoid of substance and the same is dismissed at the motion stage itself. In view of above, I.A. No. 1/2017, application for grant of interim relief/stay is disposed of.

Sd/-

(Ram Prasanna Sharma)
JUDGE