

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1088 of 2016**

- Govind Verma S/o Shri Pancham Verma Aged About 38 Years R/o Shanti Nagar, Awaspara, Parsada, Police Station Chakarbhata, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Sangita Verma W/o Govind Verma Aged About 32 Years R/o Village Nevsa, Police Station Ratanpur, District Bilaspur, Chhattisgarh.
2. Vikrant Verma S/o Govind Verma Aged About 2 Years 6 Month (Minor), Natural Guardian Of Non Applicant No. 2, R/o Village Nevsa, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Ms. Sareena Khan, Advocate

For Respondents : Mr. Ratnesh Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****3-4-2017**

1) The applicant has preferred this revision petitions being aggrieved by the order dated 19-10-2016 passed by learned Additional Principal Judge, Family Court, Bilaspur, District Bilaspur in M.J.C. No 300 of 2016 whereby the application for grant of maintenance filed by the respondent No.1 has been allowed and the Court below has awarded Rs.1000/- each to respondent No.1 being wife and respondent No.2 being minor child.

2) Undisputed facts are that the applicant was married to respondent No.1 on 24-4-2012 at Ratanpur and of their wedlock one child was born i.e., respondent No.2 herein. It was alleged in the petition that after marriage respondent No.1 was subjected to cruelty and the applicant

refused to maintain the wife and child. It is further stated that earlier first wife of the applicant had also two children and after death of the first wife, second marriage was performed. Since the second wife was subjected to cruelty, abuse and assault, she was forced to leave her matrimonial house. It is stated that despite the decree for restitution of conjugal rights on 7-4-2015, wife did not join the company of the applicant and the applicant was living along with widow mother along with two children. The applicant was working in a private company and was earning Rs.11,000/- per month and as such the applicant was unable to provide maintenance. In reply to the petition, the applicant stated that wife along with child deserted him and wife used to teach in the school whereby she was earning Rs.5,000/- per month whereas the husband did not have any evocation, therefore, he was unable to provide maintenance.

Learned counsel appearing for the applicant would submit that despite decree for restitution of conjugal rights, wife of the applicant has not joined the company of the husband and deliberately avoided the company and she herself deserted her husband, therefore, she is not entitled for any maintenance.

4) Perused the order dated 19-10-2016 passed by the court below which would show that the applicant/husband admitted that wife is disabled person, though statement was made that she was working in school and was earning Rs.5,000/-, but nothing is placed on record to show that she was earning Rs.5000/. It has also not been proved that in which school she was working and only bald statement was made. On the contrary, the statement of the wife would show that after consuming liquor her husband used to abuse and beat her and she being a disabled, was deserted. The order of the court below would show that initially in between the parties a Civil Suit No. 56 -A of 2015 (Govindram Vs Smt. Sangita Verma) was filed and in terms of order dated 7-4-2015 it was recorded that husband would

keep the wife properly and would not torture her and family members of the applicant were also directed not to misbehave with her and also not to visit the house of the applicant and thereby the order would show that the applicant husband himself has admitted the fact that the element of torture and cruelty was present. Perusal of the order would further show that though the statement was made by the wife of the husband that her husband was earning Rs.15,000/- by working in the private company, but the same was not proved in this petition. It was stated by the husband that earlier he used to work in a private company, however, subsequently he was doing the work of labour and thereby presumption of earning was found to be Rs.15,000/- per month.

5) In view of the aforesaid facts, it is apparent that relation in between the applicant and respondent No. 1 and 2 is not denied which shows that non-applicants No 1 and 2 are wife and minor son. The order sheet would further show that only oral statement has been made, rather on the contrary, the finding of compromise in a Civil Suit admits the fact that wife was subjected to torture and was treated with cruelty.

6) in view of the aforesaid facts and considering the price level increase in the market, the amount of Rs.2000/- awarded to the respondents No 1 and 2 by the Court below towards maintenance does not appear to exorbitant and unreasonable.

7) Accordingly, the instant revision petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju