

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.59 of 2018

Shri Krishna Kumar Sahu, aged about 27 years, son of Shri Khoomlal Sahu, resident of Village Lawatara, Police Station Berla, District Bemetara, Chhattisgarh

---- Applicant

versus

Smt. Kamini, aged about 23 years, wife of Shri Krishna Kumar Sahu, resident of Village Kapasda, Police Station Dharsiva, District Raipur, Chhattisgarh

--- Respondent

For Applicant	:	Shri Rajkumar Pali, Advocate
For Respondent	:	Shri Chakresh Tiwari, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

23.8.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred by the husband against the wife being aggrieved by the impugned order dated 21.12.2017 passed by the Family Court, Raipur in M.J.C. No.49 of 2016 allowing the application under Section 125 of the Cr.P.C. preferred by the Respondent/wife and granting her monthly maintenance of Rs.3,500/-.
3. Learned Counsel appearing for the Applicant/husband submits that there is no dispute that the Respondent is legally wedded wife of the Applicant, but she is residing separately from him without sufficient cause. The Court below has ignored the fact that the

Applicant is willing to keep the Respondent with him and it is the Respondent who has refused to live with him without any reasonable cause. In these circumstances, she is not entitled to get any maintenance from him. He further submits that income of the Applicant/husband is not proved, but, even thereafter, the monthly maintenance of Rs.3,500/- has been granted in favour of the Respondent, which is on higher side.

4. Learned Counsel appearing for the Respondent/wife supports the impugned order and submits that on the basis of a report of the Respondent, a case under Section 498A of the IPC is pending against the Applicant and at the instance of the Respondent, several village meetings have also taken place. Thus, it is clear that the Respondent has sufficient cause to reside separately from the Applicant. He further submits regarding quantum of maintenance that the Applicant is working with N.H.P.C.L., Bhilai and he has also owned an agricultural land and, therefore, the Family Court has rightly granted the maintenance in favour of the Respondent/wife.
5. I have heard Learned Counsel appearing for the parties and perused the record including the evidence adduced by the parties with due care.
6. From perusal of the evidence adduced by the Respondent/wife, it reveals that allegedly she was subjected to cruelty by the Applicant/husband for demand of dowry. It also reveals that several social meetings were also convened. Learned Counsel for the Applicant/husband has also admitted the fact that at present a criminal case under Section 498A of the IPC is pending against the

Applicant. There is nothing on record on the basis of which it could be inferred that the Applicant has taken any legal step to bring the Respondent/wife back to him. In these circumstances, on the basis of the evidence adduced by the parties, the Family Court has rightly arrived at the conclusion that the Respondent/wife has sufficient cause to live separately from the Applicant.

7. In his cross-examination, the Applicant/husband has admitted the fact that he is working with N.H.P.C.L., Bhilai. Though as stated by him he is getting only Rs.6,000/- monthly as salary from that company, in support of it he has not submitted his salary certificate nor has he examined any employee/witness from that company. Thus, the grant of monthly maintenance of Rs.3,500/- in favour of the Respondent/wife is just and proper.
8. Consequently, the revision has no merit. It is, therefore, dismissed.
9. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
JUDGE