

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.62 of 2018

Milan Sahu, S/o Shri Heeravan Sahu, aged about 25 years, working as Fitter at C.S.E.B. Jailgaon Chawk, Darri, R/o Quarter No.F-870, Kailash Vihar, Darri, Korba, Civil and Revenue District Korba, Chhattisgarh, Permanent R/o Village Silva, Police Station Bhatapara, Civil and Revenue District Balodabazar, Chhattisgarh

---- Applicant

versus

Smt. Lalita Sahu, W/o Shri Milan Sahu, aged about 23 years, R/o Near Takshashila School, Guru Road, Tifra, P.S. Chakarbhata, Civil and Revenue District Bilaspur, Chhattisgarh

--- Respondent

and

Criminal Revision No.214 of 2018

Smt. Lalita Sahu, W/o Shri Milan Sahu, aged about 23 years, R/o Village Ghuru Road, Near Takshshila School, P.S. Chakarbhata, Civil and Revenue District Bilaspur, Chhattisgarh

---- Applicant

versus

Milan Sahu, S/o Hiranman Sahu, aged about 25 years, occupation – Service posted as Fitter in Electricity Department, Darri, Chhattisgarh Electricity Board, R/o Jailgaon Chowk, Kailash Vihar, House No.F-870, District Korba, Chhattisgarh, Permanent R/o Village Silva, Police Station Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh

--- Respondent

For Milan Sahu	:	Shri Akhtar Hussain, Advocate
For Smt. Lalita Sahu	:	Shri Sumit Shrivastava, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

2.8.2018

1. With the consent of Learned Counsel appearing for the parties, the revisions are heard finally.

2. Since both the revisions arise out of a common order, they are disposed of by this common order.
3. These revisions have been preferred against the order dated 28.11.2017 passed by the Family Court, Bilaspur in M.J.C. No.356 of 2016, whereby the Family Court has allowed the application filed under Section 125 of the Cr.P.C. by the wife/Respondent in Criminal Revision No.62 of 2018 and Applicant in Criminal Revision No.214 of 2018 and has granted her monthly maintenance of Rs.10,000/-. Criminal Revision No.62 of 2018 has been preferred by the husband on the ground that the wife is residing separately from him without sufficient cause and, therefore, she is not entitled to get any maintenance from him and also on the ground that maintenance granted in her favour by the Family Court is on higher side. Criminal Revision No.214 of 2018 has been filed by the wife for further enhancement in the amount of maintenance granted to her by the Family Court.
4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. It is not in dispute that the marriage between the parties was solemnised on 11.5.2014. It is also not in dispute that at present the wife is residing separately from the husband. From the evidence adduced by the parties, it is clear that on the basis of report made by the wife, a criminal case under Section 498A of the I.P.C. is also pending against the husband and his family members. From the evidence, it is further clear that at present the wife is residing separately from the husband with sufficient cause and she is unable to maintain her.

6. In paragraph 29 of his cross-examination, the husband has admitted the fact that he is working on the post of Fitter in C.S.E.B., Darri and he got Rs.30,300/- monthly salary in the month of August, 2017. Though he has stated that he is also carrying out his responsibilities of maintaining his parents and studies of his sister and he has also obtained a personal loan, there is nothing on record regarding obtaining of any personal loan by the husband. So far as liability of his parents and sister is concerned, the sister is unmarried and, therefore, she is responsibility of her parents. There is nothing on record on the basis of which it could be accepted that the parents of the husband are dependent on him and they are not working and nor are earning anything.
7. Looking to the above facts and circumstances, particularly considering the fact that the husband is getting monthly salary of about Rs.30,000/-, the grant of maintenance to the wife is just and proper.
8. In the result, I find no merit in both the revisions. They are, 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