

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.99 of 2018**

Ramesh Kumar Sahu, aged about 30 years, son of Shri Rup Singh Sahu, Caste Teli, R/o Village Mohandipat, Post Khursuni, Tahsil Gundardehi, District Balod, Chhattisgarh, Office : Unit No.86, Arms Regiment, Rank (S.W.R.) No.15501262X, Head Quarter Squadron C/o 56, APO Babeena, District Jhansi (U.P.)

---- Applicant**versus**

1. Smt. Duleshwari Sahu, aged about 27 years, wife of Shri Ramesh Kumar Sahu, Caste Teli,
2. Ku. Purvi, aged about 4 years, daughter of Shri Ramesh Kumar Sahu, minor through her natural guardian Appellant No.1 (mother Smt. Duleshwari Sahu),

Both are residents of Jagriti Chowk, Behind Teen Darshan Mandir (Jetha Hotel), Ward No.18, Camp-1, Bhilai, Tahsil and District Durg, Chhattisgarh

--- Respondents

For Applicant	:	Ms. Nand Kumari Kashyap, Advocate
For Respondents	:	Shri Tarun Dansena, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****4.4.2018**

1. With the consent of Learned Counsel appearing for the parties, the revision is heard and decided finally.
2. This revision has been preferred against the order dated 13.6.2017 passed by the Family Court, Durg in Criminal M.J.C. No.729 of 2016, whereby the Family Court has partly allowed the application under Section 125 of the Cr.P.C. for grant of maintenance filed by the Respondents and has directed the Applicant to pay maintenance of Rs.2,000/- per month to Respondent No.1/wife and that of Rs.5,000/- per month to Respondent No.2/daughter.
3. Facts of the case, in brief, are that the Respondents had filed an

application under Section 125 of the Cr.P.C. on the ground that the marriage between the Applicant and Respondent No.1 had solemnised on 27.4.2009. After the marriage, Respondent No.1/wife was subjected to cruelty for demand of dowry by the Applicant/husband. He time and again ill-treated Respondent No.1 after consuming liquor. Being aggrieved by the ill-treatment, Respondent No.1/wife left the house of the Applicant/husband and is living separately in a rented house. She is unable to maintain herself. A reply to the said application was filed by the Applicant. Vide the impugned order dated 13.6.2017, the Family Court has allowed the application in part and granted maintenance as mentioned above. Hence, this revision.

4. It is submitted by Learned Counsel appearing for the Applicant that Respondent No.1/wife is working on the post of Panchayat Sachiv (Panchayat Secretary) and is getting salary of Rs.8,000/- per month. Therefore, she is not entitled for grant of maintenance. The maintenance granted in favour of Respondent No.2/daughter is on higher side.
5. Per contra, Learned Counsel appearing for the Respondents supports the impugned order and submits that the order of maintenance is just and proper.
6. I have heard Learned Counsel appearing for the parties and perused the record with due care.
7. It is not disputed that the Respondents, i.e. the wife and the daughter of the Applicant are residing separately from him for adequate reasons. Though Respondent No.1/wife is getting salary

of Rs.8,000/- per month yet from the evidence on record it is clear that she is residing along with her daughter/Respondent No.2 in a rented house at Bhilai. Therefore, it cannot be said that the amount of Rs.8,000/-, which she is getting as salary, is sufficient to maintain herself and her daughter. It is an admitted fact that the Applicant is working in Army. Learned Counsel appearing for the Applicant admits that the Applicant is getting salary of about Rs.30,000/- per month. Looking to the income of the Applicant, the order of maintenance of Rs.2,000/- per month in favour of Respondent No.1/wife and Rs.5,000/- per month in favour of Respondent No.2/daughter is just and proper and the same does not warrant any interference.

8. Consequently, the revision is dismissed.
9. Record of the Court below be sent back along with a copy of this order.

Sd/-
(Arvind Singh Chandel)
Judge