

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.194 of 2018

Rakesh Jaiswal, aged about 34 years, S/o Late Ghanshyam Prasad Jaiswal, R/o Gopiyapara, Purani Basti, Police Station Akaltara, District Janjgir-Champa, Chhattisgarh

---- Applicant

versus

1. Smt. Shradha Jaiswal, aged about 25 years, W/o Shri Rakesh Jaiswal,
2. Kamlesh Jaiswal, aged about 4 years, S/o Shri Rakesh Jaiswal,
3. Rajan Jaiswal, aged about 2 years, S/o Rakesh Jaiswal,

Through mother Shradha Jaiswal, aged about 25 years, W/o Rakesh Jaiswal,

All R/o Gopiyapara, Purani Basti, Akaltara, Police Station Akaltara, District Janjgir-Champa, Chhattisgarh

At present R/o Village Bhaisma, Post Bhaisma, Tahsil and District Korba, Chhattisgarh

--- Respondents

For Applicant	:	Shri Bharat Rajput, Advocate
For Respondents	:	Shri Vikash Pandey, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15.5.2018

1. Heard on the application for condonation of delay (I.A. No.1 of 2018) in filing the instant revision, which is barred by 27 days.
2. For the reasons mentioned in the application, it is allowed and delay in filing the revision is condoned.
3. Heard on admission.
4. The Applicant is husband of Respondent No.1 and father of Respondents No.2 and 3. Vide the impugned order dated 23.9.2017 passed in M.J.C. No.12 of 2017, the Family Court, Korba has allowed the application under Section 125 of the Code of Criminal Procedure in favour of the Respondents/wife and

children and granted maintenance of Rs.2,000/- per month in favour of the wife and Rs.1,000/- per month each in favour of the two children, total Rs.4,000/- per month, which is challenged by the Applicant on the ground that without verifying his income and ignoring the fact that he has been doing private job and getting monthly salary of Rs.4,000/- to Rs.5,000/- only, the Family Court has passed the impugned order and, therefore, the amount of maintenance, as ordered by the Family Court, is on higher side.

5. On the basis of the evidence adduced by the parties, the Family Court has found that the monthly income of the Applicant is Rs.10,000/- to Rs.12,000/-. On due consideration, I find no error in the finding arrived at by the Family Court. Looking to the social and financial status of the parties, the maintenance amount, as ordered by the Family Court, appears to be just and proper and it does not call for any interference by this Court.
6. Resultantly, the revision is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge