

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.128 of 2018

Rakesh Banjare, S/o Kamta Prasad Banjare, Caste Satnami, aged bout 31 years, R/o Village Chherkapur, Post and P.S. Palari (Bhatapara), District Baloda Bazar, At present, R/o Akarshak Beauty Parlour (Near Parmaar Tailer), Imlibhata, Mahasamund, P.S. Tahsil and District Mahasamund, Chhattisgarh

---- Applicant

versus

Smt. Sapna Banjare, W/o Rakesh Banjare, aged about 30 years, Caste Satnami, at present C/o C.R. Jangde, near K.N. Oil Mill, Ward No.21, Gurughashidas Ward, Subhash Nagar, P.S. Tahsil and District Mahasamund, Chhattisgarh

--- Respondent

For Applicant	:	Shri A.P. Sharma, Advocate
For Respondent	:	Shri B.L. Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20.3.2018

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard and decided finally.
2. This revision has been preferred under Section 19(4) of the Family Courts Act against the order dated 21.12.2017 passed by the Family Court, Mahasamund in Case No.180 of 2016, whereby the Family Court has awarded maintenance of Rs.7,000/- per month to the Respondent/wife.
3. Facts, in brief, are that marriage between the parties was solemnised on 2.5.2014. Thereafter, both resided together at Mahasamund, i.e., at the work place of the Applicant/husband. It is alleged by the wife that thereafter the husband and his family members started demanding motorcycle and cash Rs.50,000/- from the parents of the wife. On denial, they subjected the wife to

cruelty. It is further alleged by the wife that the husband used to come home in drunken condition and abuse and assault her. An application under Section 125 of the Code of Criminal Procedure was filed by the wife. The husband denied the allegations made against him in the said application. After taking evidence, the Family Court allowed the application preferred by the wife and awarded the sum of Rs.7,000/- per month as maintenance in favour of the wife and against the husband. Hence, this revision by the husband.

4. Learned Counsel appearing for the Applicant/husband submits that the order passed by the Family Court is contrary to the facts and evidence available on record and, therefore, the same is liable to be set aside/modified. He further submits that the Applicant has old parents and one younger brother and all they are dependent upon the Applicant. Ignoring the said facts, the Family Court has awarded the sum of Rs.7,000/- per month as maintenance, which is on much higher side.
5. Learned Counsel appearing for the Respondent/wife supports the impugned order of maintenance and submits that the awarded amount is just and proper. He submits that the impugned order does not call for any interference.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. From the evidence adduced by the Respondent/wife, it is clear that she was abused and assaulted by the Applicant/husband. Her statement is duly supported by her father. A village meeting was also convened by them. From the statements of Manharan (Wife's

Witness No.3) and Itwari (Wife's Witness No.4), it is also clear that in the village meeting, the Applicant/husband refused to keep his wife with him. From the evidence available on record, it is clear that the wife is residing separately from the husband with reasonable cause. Therefore, finding of the Family Court in this regard is based on the evidence on record.

8. From the evidence on record, it is also clear that the husband is a Police Constable and is getting monthly salary of about Rs.23,000/-. Though as per the contention of the Applicant, his father and younger brother are also dependent upon him yet what is the age of the younger brother and what does he do have not been disclosed by him. The Applicant himself is aged about 31 years, therefore, his younger brother would be of more than 25 years of age. In these circumstances, it cannot be accepted that the younger brother would be dependent upon the Applicant. Since the Applicant is getting salary of about Rs.23,000/- per month, therefore, the impugned order granting maintenance of Rs.7,000/- per month is just and proper and the same does not warrant any interference by this Court.
9. Consequently, the revision is dismissed.

Sd/-

(Arvind Singh Chandel)
Judge