

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1135 of 2017

Safiq Khan @ Moh. Safi Ahmad, S/o Deen Mohammad, aged about 47 years, R/o Near Bangali Club, Police Station Dalli Rajhara, Tahsil Daundi, District Balod, Chhattisgarh

---- Applicant

versus

1. Smt. Anju Bai, W/o Safiq Khan, aged about 43 years,
2. Shahrukh Khan, S/o Safiq Khan, aged about 19 years,

Both the Respondents are R/o 256 Chowk, Dalli Rajhara, Police Station Rajhara, District Balod, Chhattisgarh

--- Respondents

For Applicant	:	Shri Govind Dewangan, Advocate
For Respondents	:	Shri Shikhar Bakhtiyar, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26.7.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Vide the impugned order dated 13.10.2017, the Family Court, Balod has partly allowed the application under Section 125 of the Cr.P.C. in favour of Respondent No.1, Smt. Anju Bai, wife of the Applicant and directed the Applicant to pay her maintenance of Rs.4,000/- per month.
3. The Applicant has preferred the instant revision on the ground that Respondent No.1 is not his legally wedded wife and, therefore, she is not entitled to get any maintenance from him.
4. Learned Counsel appearing for the Applicant submits that since

Respondent No.1 is not a legally wedded wife of the Applicant, she is not entitled to get any maintenance from him. He further submits that if for any reason this Court arrives at a conclusion that Respondent No.1 is entitled to get maintenance, the amount of maintenance granted by the Family Court is on higher side and the same deserves to be reduced suitably.

5. Learned Counsel appearing for the Respondents opposes the above arguments advanced on behalf of the Applicant and supports the impugned order.
6. From perusal of the record, it is clear that from the year 1991 the Applicant and Respondent No.1 were residing together as husband and wife and out of their relationship, in the year 1993, Respondent No.2 took birth. Respondent No.1 had earlier filed an application under Section 125 of the Cr.P.C. (Case No.76 of 1999) along with birth certificate of Respondent No.2. In that case, the Applicant had compromised the matter and paid an amount of Rs.25,000/- in lump sum as maintenance to Respondent No.1. Therefore, the Family Court has rightly arrived at the conclusion that the Applicant and Respondent No.1 had lived together in a live-in relationship for a long period. The Family Court, relying on the decision in **Chanmuniya v. Virendra Kumar Singh Kushwaha, (2011) 1 SCC 141**, has rightly arrived at the conclusion that Respondent No.1 is entitled to get maintenance.
7. So far as quantum of maintenance is concerned, admittedly, the Applicant is employed as a Dumper Operator in Bhilai Steel Plant, Dalli-Rajhara and is getting Rs.20,000/- per month as salary. Looking to his income, the grant of maintenance of Rs.4,000/- per

month in favour of Respondent No.1 is just and proper.

- 8.** Thus, I find no merit in the revision. It is, therefore, dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE