

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.159 of 2018

Kushal Das, S/o Makardhwaj Bairagi, aged about 48 years, occupation Agriculturist and Shopkeeper, R/o Village Potapara, PO Rohina, PS and Tahsil Saraipali, District Mahasamund, Chhattisgarh

---- Applicant

versus

1. Smt. Chandrakanti Bairagi, W/o Kushal Das Bairagi,
2. Narendra alias Premanand, S/o Kushal Das Bairagi, aged about 15 years,
3. Ku. Devki, D/o Kushal Das Bairagi, aged about 08 years,

Respondents No.2 and 3 are minors, through their natural guardian mother Smt. Chandrakanti Bairagi

All are R/o Village Potapara, PS and Tahsil Saraipali, District Mahasamund, present address Village Rikhadadar, PO Paraswani, PS Sankra, Tahsil Pithora, District Mahasamund, Chhattisgarh

--- Respondents

For Applicant : Shri Harshwardhan Jaiswal, Advocate
For Respondents : Shri Utkal Pradhan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

3.7.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 15.11.2017 passed by the Family Court, Mahasamund in M.Cr.C. No.80 of 2017, whereby total Rs.3,500/- per month has been granted as maintenance by the Family Court in favour of the Respondents/wife and children under Section 125 of the Cr.P.C.
3. It is not in dispute that Respondent No.1 is wife of the Applicant and Respondents No.2 and 3 are son and daughter of the

Applicant, respectively.

4. Learned Counsel appearing for the Applicant submits that Respondent No.1/wife is residing separately from the husband/Applicant without any reasonable cause. The Applicant is always ready and willing to keep her with him.
5. Per contra, Learned Counsel appearing for the Respondents submits that the Applicant has an illicit relationship with a woman. He beat Respondent No.1/wife and ousted her from his house. Therefore, she is residing separately from him with sufficient cause.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. Yudhishthir, elder son of the Applicant and Respondent No.1 himself has admitted the fact that his father/Applicant has developed an illicit relationship with a woman Pratima and Respondent No.1/wife was preventing the Applicant from developing the said relationship due to which the Applicant beat Respondent No.1/wife and ousted her from his house. As per the documents (Ex.P1 and P2) the Applicant himself has admitted that he will not continue the illicit relationship. The evidence adduced by the parties show that the Applicant has an illicit relationship due to which he used to beat Respondent No.1/wife and, therefore, she is residing separately from him with reasonable cause. Therefore, the finding arrived at by the Family Court that Respondent No.1/wife is residing separately from the Applicant with sufficient cause is just and proper. Looking to the social and financial status

of the parties, the maintenance granted by the Family Court to the Respondents is also just and proper.

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

Sd/-

(Arvind Singh Chandel)
JUDGE