

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.208 of 2018

Rameshwar Sahu, s/o Late Makhan Sahu, aged about 70 years, resident of Village Anjora, Chowki Anjora, Police Station Pulgaon, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

Mahendra Sahu, S/o Rameshwar Sahu, aged about 37 years, resident of Village Anjora, Chowki Anjora Police Station Pulgaon, Tahsil and District Durg, Chhattisgarh

--- Respondent

For Applicant : Shri Jitendra Gupta, Advocate
For Respondent : Shri Govind Dewangan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10.7.2018

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 27.12.2017 passed by the Family Court, Durg in Criminal M.J.C. No.402 of 2016, whereby the application under Section 125 of the Cr.P.C. filed by the Applicant has been rejected.
3. It is not in dispute that the Respondent is the son of the Applicant and he took birth from the first wife of the Applicant. It is also not in dispute that the Applicant has another wife from which he has two sons and one daughter and both the sons have got married. The Applicant submitted an application under Section 125 of the Cr.P.C. against his son/Respondent on the ground that he is unable to maintain him and the Respondent has sufficient means to maintain

him. Vide the impugned order dated 27.12.2017, the Family Court rejected the application on the ground that the Applicant has sufficient means for his maintenance. Looking to the financial status of the Applicant, the Family Court also granted maintenance in favour of his first wife and against the Applicant.

4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. Learned Counsel appearing for the Applicant admits that first wife of the Applicant (mother of the Respondent) had filed an application for maintenance which was allowed in her favour and an order was passed against the Applicant to maintain her. From this, it is established that the Applicant has sufficient means to maintain his first wife and, therefore, it can also be presumed that he is able and has sufficient means to maintain him. Therefore, the Family Court has rightly rejected the application under Section 125 of the Cr.P.C. filed by the Applicant.
6. I find no merit in the revision. It is, therefore, dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE