

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 503 of 2018

Sanjay Patel S/o Shri Sukhram Patel Aged About 35 Years R/o
Tethwar Para, Near Electricity Office, Chiklakasa, P. S. Rajrah,
Tehsil Daundi, District Balod Chhattisgarh

---- Petitioner

Versus

1. Smt. Shivbati W/o Shri Sanjay Patel Aged About 28 Years,
2. Kumari Angel S/o Sanjay Patel Aged About 4 ½ Years minor
through her guardian namely Smt. Shivbati W/o Shri Sanjay Patel,
Aged About 28 Years,

Both above R/o Bajrang Chowk Ward No. 11, Dallirajrah, P.S.
Rajrah, Tehsil Daundi, District Balod Chhattisgarh,

-- Respondents

For petitioner- Shri Prasoon Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/03/2018

Heard.

1. Instant petition is against the order dated 16/08/2017 passed by the
1st Additional Principal Judge, Family Court, Balod.
2. Learned counsel for the petitioner submits that actually respondent
No.1 is the twin sister of wife of the petitioner whose name is Sarita Patel
and no marriage is performed with Shivbati by the petitioner. He further
submits that the petitioner do not deny the paternity of the child Ku. Angel
and submits that unless and until it is established that respondent No.1 is
wife, claim for 125 Cr.P.C. could not have been entertained.
3. Perusal of the order would show that the court observed in its order
that in document of social meeting dated 7/05/2017 respondent No.1
Shivbati Patel was accepted to be wife and prima facie found it that since
the paternity of the child was also not denied presumption can be drawn
that she is the wife.
4. Argument advanced by the learned counsel for the petitioner before

this court appears to be completely absurd and unlogical to accept that Shivbati Patel has filed the frivolous petition because of the fact the claimant is twin sister of wife of petitioner whose name is Sarita Patel. The paternity of child is not disputed by father. So the prima facie finding of court below that claimant is wife and is unable to maintain herself is not wrong. Further considering the quantum of the amount of Rs.3000/- which has been awarded, considering the price index which is prevailing in the society, I do not find any substance in this petition to entertain the same.

5. Accordingly, the petition is dismissed at the threshold.

Sd/-

(Goutam Bhaduri)
JUDGE