

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Criminal Revision No.368 of 2018**

Rohit Dewangan, S/o Shriram Lal Dewangan, aged about 34 years, R/o Ward No.12, Chhuikhadan, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh

**---- Applicant**

**versus**

Minor Ratnesh, S/o Rohit Kumar Dewangan, aged about 05 years (Minor) through natural guardian grand maternal father Dayaram Dewangan, R/o Ward No.12, Chhuikhadan, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh

**--- Respondent**

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| For Applicant  | : | Shri Abhishek Sharma, Advocate |
| For Respondent | : | Shri Shivendu Pandya, Advocate |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**7.8.2018**

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The instant revision has been preferred against the order dated 13.10.2017 passed by the Family Court (Link Court), Khairagarh, District Rajnandgaon in M.Cr.C. No.17 of 2015, whereby the application under Section 125 of the Cr.P.C. filed by the Respondent has been allowed and the Family Court has granted him monthly maintenance of Rs.1,000/-.
3. Learned Counsel appearing for the Applicant submits that since the Respondent is not a legitimate child of the Applicant, he is not entitled to get any maintenance from him. He further submits that as claimed by the Respondent, he was born in the year 2009 and

his mother died on 29.11.2013 and the application for maintenance was filed by the Respondent in the year 2015, that is to say, after 2 years of death of his mother and, therefore, the application for maintenance cannot be entertained.

4. Learned Counsel appearing for the Respondent opposes the arguments advanced on behalf of the Applicant and supports the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. From the evidence on record, it is clear that the Respondent is a legitimate child of the Applicant and later on the Applicant has performed second marriage. The finding of the Trial Court is commensurate to the evidence on record. Thus, there is no substance in the argument raised on behalf of the Applicant that the Respondent is not a legitimate child of the Applicant.
7. It is also the argument of Learned Counsel for the Applicant that the mother of the Respondent had died in the year 2013 and the application for maintenance was filed by the Respondent in the year 2015. There is no limitation fixed for submitting an application for grant of maintenance. Therefore, this argument has also no substance.
8. The Family Court has granted monthly maintenance of Rs.1,000/- only in favour of the Respondent. Looking to the age of the Respondent and social and financial status of the Applicant, the monthly maintenance of Rs.1,000/- granted to the Respondent is

just and proper. Thus, the impugned order does not call for any interference by this Court.

9. Resultantly, the revision is dismissed.
10. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

**(Arvind Singh Chandel)**  
**JUDGE**