

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 725 of 2018

Gaya Prasad Purena S/o Late Tiwari Ram Purena, aged about 57 years, resident of 20 (2) Plot No. 2, Gayatri Nagar, Telibandha, P.S. Telibandha, Raipur, District- Raipur, Chhattisgarh

Work Place- Posted as Section Officer, Library Department, Ravi Shankar Shukl Vishwavidalaya Raipur, Tehsil and District- Raipur, Chhattisgarh.

--- Applicant

Versus

1. Smt. Son Bai Purena W/o Gaya Prasad Purena, aged about 44 years,
 2. Ku. Rishika Purena, D/o Gaya Prasad Purena, aged about 13 years,
 3. Ku. Ishika Purena, D/o Gaya Prasad Purena, aged about 08 years,
- Non-Applicant No. 2 & 3 being minor represented through natural guardian mother Smt. Son Bai
- All are R/o Quarter No.8, Block 15, Street Central Avenue, Sector 2, Bhilai, Tehsil and District- Durg, Chhattisgarh

---- Respondents

For Applicant	:	Mr. M.K. Bhaduri, Advocate
For Respondents	:	Mr. Jitendra Gupta, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

04/10/2018

1. Heard on admission.
2. This revision has been filed against the order dated 23/06/2018 passed by the learned Family Court, Durg, whereby the Family Court has granted interim maintenance of Rs. 2000/- in favour of respondent No.1, Rs. 5000/- in favour of respondent No.2 and Rs. 5000/- in favour of respondent No.3.

3. Learned counsel for the applicant submits that since the applicant has denied the fact that respondent No.1 is legally wedded wife of the applicant and respondents 2 & 3 are legitimate or illegitimate child of him. Therefore, at this stage the learned Family Court has wrongly granted interim maintenance in favour of the respondents.
4. The respondents have filed an application for maintenance under Section 125 of the Cr.P.C with the averment that the applicant and respondent No.1 got married on 27/07/2004 and out of their wedlock, respondent No. 2 & 3 born. It was further pleaded the presently, the applicant/husband is residing with another lady at Raipur and is not maintaining the respondents. In their support, the respondents have filed Aadhar Card, receipt of school fee, mark-sheets of respondents 2 & 3 and photocopies of birth certificate of respondents 2 & 3. In Aadhar card of respondent No.1, the name of the present applicant has been entered as her husband and in remaining document, the name of the present applicant has been entered as father of respondents 2 & 3. The respondents have also submitted an affidavit in support of their pleadings.
5. Though, the applicant/husband denied the fact that the respondents are his wife and children, he has not submitted any document or any affidavit in his support. In these circumstances, it seems that prima-facie respondent No.1 is his wife and respondents 2 & 3 are his children. Therefore, the Family Court has rightly granted interim maintenance in favour of the respondents.
6. As pleaded by the respondents that the applicant is working as Section3

Officer and is getting monthly salary of Rs. 65,000/-, therefore, the interim maintenance, granted by the Family Court, in my considered opinion is just and proper.

7. Considering the above aspects, I do not find any merit in this revision. The revision is dismissed.
8. However, the Family Court is directed to expedite the matter and decide the same as early as possible.

Sd/-
(Arvind Singh Chandel)
Judge