

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 892 of 2018**

Narendra Kumar Goswami, Shri Umesh Bharti Goswami, aged about 41 years,
R/o Pahadpara, Kota Ward No. 03, Kota, Tahsil Kota, District- Bilaspur (C.G.).

----- Applicant

Versus

1. Smt. Arti Goswami, W/o Narendra Goswami, aged about 30 years,
2. Ku. Nitya Goswami, aged about 5 years S/o Shri Narendra Kumar Goswami, minor through legal natural guardian mother namely respondent No.1.

Both are R/o Subhash Nagar, Kukripara, near J.P. Kirana Store, Tahsil and District- Raipur (C.G.).

---- Respondents

For Applicant	:	Mr. Aman Kesharwani, Advocate
For Respondent	:	Ms. Neha Shukla, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

21/08/2018

1. Heard on admission.
2. This revision has been preferred against the order dated 19/05/2018 passed by the Second Additional Principal Judge, Family Court, Raipur in Case No. 631/2017, whereby the learned Family Court has passed the order of maintenance of Rs. 3000/- monthly in favour of respondent No.1 and Rs. 2000/- in favour of respondent No.2.
3. Learned counsel appearing on behalf of the applicant submits that though respondent No.1 is the legally wedded wife of the applicant ,

but she is living adulterous life. This fact was admitted by her vide agreement dated 09/12/2016, therefore, she is not entitled for any maintenance from the applicant/husband. He further submits that looking to the financial status of both the parties and earning capacity of the applicant, the maintenance passed by the Family Court is on higher side.

4. There is no dispute on the fact that respondent No. 1 is the legally wedded wife of the applicant and respondent No.2 is daughter. Both the respondents are residing separately from the applicant. Respondent No.1 is unable to maintain herself as well as to respondent No.2.
5. Perusal of agreement dated 09/11/2016 would show that there is no admission of wife that she is living adulterous life.
6. Since both the respondents are wife and daughter of the applicant. Respondent No. 1 is living adulterous life or not is matter of evidence. The applicant is an Advocate and looking to his earning capacity and financial status, the interim maintenance awarded by the Family Court, in my considered opinion, is just and proper.
7. Since, this revision has no merits, the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge