

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.378 of 2017**

Arun Kumar Dahariya, S/o Panch Ram Dahariya, aged about 35 years, R/o Village Dhardayi, Satnami Para, Post Dhardayi, P.S. Shivrinarayan, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh, Posted at Office of Pradhanmantri Gram Sadak Yojna as Assistant Grade-II (Contract Basis), Pandit Chakrapani High School, Collectorate Road, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant**versus**

1. Smt. Rajlaxmi, W/o Arun Kumar Dahariya, aged about 25 years, D/o Shri Jivan Lal Ghrilahare, Caste Satnami,
2. Ku. Echachha Dahariya, D/o Arun Kumar Dahariya, aged about 3 years, Through Natural Guardian Mother Smt. Rajlaxmi,

Both R/o Bhatapara, Mehendi, P.S. Shivrinarayan, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh

--- Respondents

For Applicant	:	Shri Ravindra Sharma, Advocate
For Respondents	:	Ms. Smriti Shrivastava, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****3.4.2018**

1. With the consent of Learned Counsel appearing for the parties, the revision is heard and decided finally.
2. The revision arises out of the order dated 23.2.2017 passed by the Family Court, Janjgir in M.Cr.C. No.252 of 2015, whereby the Family Court has allowed the application under Section 125 of the Cr.P.C. and granted total maintenance of Rs.6,000/- per month in favour of the Respondents, i.e., wife and daughter of the Applicant.
3. The facts, in brief, are that the marriage between the Applicant and Respondent No.1 was solemnised on 26.5.2010 and out of their wedlock daughter/Respondent No.2 took birth in the year 2012.

The Application under Section 125 of the Cr.P.C. was filed by the Respondents alleging that the Applicant used to consume liquor and quarrel and he also used to beat for demand of dowry. Due to the beatings, once abortion had also taken place. The Applicant had also ousted the wife/Respondent No.1 after beating her. Wife/Respondent No.1 is unable to maintain herself. Daughter/Respondent No.2 is studying and her studies involves an expenditure of Rs.5,000/- per month. The Applicant is employed in Pradhan Mantri Gram Sadak Yojana as an Assistant Grade-II and earns Rs.35,000/- per month as salary. The Applicant has taken a plea in his written statement that the wife/Respondent No.1 is an angry woman and used to quarrel on small matters. She used to go away along with a Constable, namely, Raja Ratre and presently she is living with him. She had lodged against him a false report of demand of dowry. She earns Rs.10,000/- per month by sewing and knitting.

4. After taking evidence on record, the Family Court allowed the application under Section 125 of the Cr.P.C. and granted maintenance of Rs.4,000/- per month in favour of Respondent No.1/wife and that of Rs.2,000/- per month in favour of Respondent No.2/daughter, i.e., total Rs.6,000/-.
5. Learned Counsel appearing for the Applicant submits that Respondent No.1/wife herself left the house of the Applicant/husband and deserted him without any sufficient reason and, therefore, she is not entitled to receive any maintenance. The Trial Court has failed to consider that though the Applicant is employed as an Assistant Grade-II, his employment is on contract

basis. He is also liable to maintain his old mother and father. It is further submitted that the amount of maintenance awarded is on higher side.

6. Learned Counsel appearing for the Respondents supports the impugned order and submits that the order of maintenance is just and proper.
7. I have heard Learned Counsel appearing for the parties and perused the record with due care.
8. From the pleadings of the Applicant and the evidence available on record, it is clear that a criminal case is pending against him on the report made by his wife/Respondent No.1 alleging demand of dowry. From the pleadings, it is also clear that he has levelled an allegation against the wife/Respondent No.1 that she is leading an adulterous life with a Constable Raja Ratre. But, he has not led any evidence in this regard. Therefore, it is clear that the wife/Respondent No.1 has sufficient cause to live separately from the Applicant/husband. Hence, the finding of the Trial Court in this regard is just and proper.
9. From the evidence available on record, it is clear that the Applicant is employed as an Assistant Grade-II on contract basis in Pradhan Mantri Gram Sadak Yojana. As per his salary slip (Ex.P2), he has got monthly salary of Rs.13,776/- for the month of May, 2016. From the evidence on record, it is also clear that his father owns an agricultural land measuring 3.32 acres.
10. The Applicant earns Rs.14,000/- per month approximately. His

father also owns an agricultural land. Therefore, the father and mother of the Applicant are dependent on him cannot be relied upon. Looking to the income of the Applicant, the impugned order of maintenance is just and proper.

11. I find no merit in the instant revision. It is, therefore, dismissed.
12. Record of the Court below be sent back along with a copy of this order.

Sd/-
(Arvind Singh Chandel)
Judge