

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 477 of 2017**

Fajlool Bari S/o Abdul Kadir, Caste Musalman, aged about 50 years, Occupation Dukandari, R/o. Odginaka, Manendragarh (Raoways Taj Hardware) Baikunthpur, Tahsil and P.S. Baikunthpur, District- Korla (C.G.).

--- Applicant

Versus

1. Smt. Jarina Begam W/o Fajlool Bari, aged about 38 years,
 2. Ku. Arju Parween D/o. Fajlool Bari, aged about 18 years,
- Both are Musalman, R/o Parsapara, Patna, P.S. Patna, Tahsil Baikunthpur, District- Korla (C.G.).

---- Respondents

For Applicant	:	Mr. Shakti Raj Sinha, Advocate
For Respondent	:	Mr. Anil Gulati, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/09/2018

1. With the consent of both the parties, the matter is heard finally.
2. Vide impugned order dated 21/04/2017, the learned Family Court, Baikunthpur allowed the application submitted by the respondents under Section 125 of the Cr.P.C and granted monthly interim maintenance of Rs. 2500/- in favour of respondent No. 1 and Rs. 2500/- in favour of respondent No.2.
3. Admittedly, respondent No. 1 is divorced wife of the applicant and respondent No. 2 is daughter of the applicant who is residing with her mother (respondent No.1).

4. Learned counsel appearing on behalf of the applicant submits that the applicant is ready to pay maintenance of Rs. 2500/- to respondent No. 2 as awarded by the Family Court, but with regard to pay the maintenance to respondent No. 1, he submits that she is working at present and her earning from April 2016 to August 2017 is Rs. 53752/- and from September 2017 to March 2018 is Rs. 38256/-, therefore, she does not deserve any entitlement for maintenance. He admits the fact that at the time of deciding the case, this fact was not within the knowledge of the present applicant/husband, therefore, he could not raise this ground before the Family Court.
5. As contended by Mr. Sinha that at the time of passing of the impugned order, respondent No. 1 was working and the said fact was not within his knowledge therefore, she does not deserve any maintenance. Yet this contention of Mr. Sinha is a matter to decide in an application under Section 127 of the Cr.P.C before the Family Court.
6. Therefore, this revision is disposed of with a liberty in favour of the applicant that if he desires, he may file an application under Section 127 of the Cr.P.C raising his ground regarding respondent No. 1 before the Family Court.

Sd/-
(Arvind Singh Chandel)
Judge