

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 965 of 2018**

Manoj Kumar Sinha, aged about 27 years S/o Shri Ganga Ram Sinha R/o. Near Bus Stand, Girod Road Mainpur, District- Gariyaband (C.G.), at present R/o. P.K. Marketing Gani Complex, Banjari Chowk, Raipur, Tahsil and District, Raipur (C.G.).

--- Applicant**Versus**

1. Smt. Shashi Kala Sinha, aged about 37 years W/o Shri Manoj Kumar Sinha,
 2. Ku. Nishtha, aged about 11 years D/o Shri Manoj Kumar Sinha,
 3. Ku. Ayushi Sinha, aged about 10 years D/o Shri Manoj Kumar Sinha,
- Respondents No. 2 & 3 are minor through: legal guardian mother Smt. Shashi Kala (Respondent No.1)
- All are R/o. C/o Pramod Verma, Masjid Gali, Parasnagar, Devendra Nagar, Raipur, District- Raipur (C.G.).

---- Respondents

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****06/09/2018**

1. Heard on admission.
2. This revision has been preferred against the order dated 26/07/2018 passed by the Second Additional Sessions Judge, Family Court, Raigarh, whereby the Family Court has granted monthly maintenance of Rs. 2000/- in favour of Respondent No. 1, Rs. 1000/- in favour of Respondent No. 2 and Rs. 1000/- in favour of Respondent No. 3.
3. This revision has been filed only on the ground that since the applicant

had denied the marriage between him and respondent No. 1 and also denied the fact that respondents 2 & 3 are legitimate or illegitimate children of him, therefore, the impugned order passed by the Family Court is not in accordance with law.

4. Though the applicant has denied the fact that respondent No. 1 is his wife and respondent Nos. 2 & 3 are his children, respondent No. 1 submitted birth certificates of respondent Nos. 2 & 3 along with her application under Section 125 Cr.P.C, which shows that both respondent Nos. 2 & 3 were born on 21/11/2006 and 28/09/2008, respectively and the name of the present applicant is entered in those birth certificates as their father. Photo-copies of some mark-sheets of the children have also been filed, wherein also the name of the present applicant is entered as father of respondent No. 2 & 3. Moreover, the applicant himself has admitted the fact in his pleadings that respondent No. 1 had forcibly made physical relation with him. This shows that there was a relationship between them. Prima-facie, it is established that there was a relationship between the applicant and respondent No. 1 and respondent No. 2 & 3 are their children. The marriage performed between the applicant and respondent No. 1 is legal or illegal is a matter of evidence, but there is sufficient evidence available that the applicant and respondent No. 1 lived together for a long period. Therefore, monthly maintenance awarded in favour of the respondents by the Family Court is in accordance with law.
5. Taking into consideration the social status of the parties and financial status of the applicant, grant of monthly maintenance of Rs. 2000/- in

favour of Respondent No.1, Rs. 1000/- in favour of Respondent No. 2 and Rs. 1000/- in favour of Respondent No. 3 is justified.

6. Considering the above aspects of the matter, I do not find any merit in this revision. The revision is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul