

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.646 of 2017**

Sudhram Kerketta, son of Madhur Kerketta, aged about 35 years, resident of Loro, Tahsil Bagicha, District Jashpur, Chhattisgarh at present address Arms Force, 11th Battalion, Jharaghati, Narayanpur, District Narayanpur, Chhattisgarh

---- Applicant**versus**

1. Smt. Baijantimala Kerketta, wife of Sudhram Kerketta, aged about 34 years,
2. Minor Surya Kerketta, son of Sudhram Kerketta, aged about 4 years,
3. Minor John Kerketta, son of Sudhram Kerketta, aged about 1 year,

No.2 and 3 are minor, represented through mother and legal guardian Smt. Baijantimala Kerketta,

All are residents of Village Loro, Tahsil Bagicha, District Jashpur, Chhattisgarh

--- Respondents

For Applicant	:	Shri J.K. Saxena, Advocate
For Respondents	:	Shri Aditya Chopra, Advocate on behalf of Shri A.K. Prasad, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****27.6.2018**

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 21.6.2017 passed by the Family Court, Jashpur in M.Cr.C. No.29 of 2017, whereby the application under Section 125 of the Code of Criminal Procedure moved by the Respondents has been allowed and monthly maintenance of Rs.6,000/-, Rs.2,000/- and Rs.2,000/- has been granted in favour of Respondents No.1, 2 and 3, respectively.
3. Learned Counsel appearing for the Applicant submits that the maintenance granted in favour of the Respondents is on higher

side. The Applicant is getting only Rs.12,757/- per month as salary after deductions. The wife/Respondent No.1 is residing separately from the Applicant without reasonable cause. Therefore, the impugned order is liable to be set aside.

4. Learned Counsel appearing for the Respondents supports the impugned order and opposes the arguments advanced on behalf of the Applicant.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. In her deposition, Respondent No.1/wife has categorically stated that the Applicant/husband has a love relation with another woman due to which he was harassing her. She has further stated that the husband is employed as a Constable in Army and she was living along with her children with the parents of the husband and the parents of the husband were asking her to go out of their house saying that the food prepared by her was not eatable by them. The above statement of Respondent No.1/wife is unrebutted. Therefore, the Family Court has rightly arrived at the finding that Respondent No.1/wife is living separately from the Applicant/husband with sufficient and reasonable cause.
7. There is no dispute that the Applicant is a Constable in Armed Force. He himself has admitted in his cross-examination that after deductions, he is getting salary of Rs.33,037/- per month. Therefore, on the basis of the income of the Applicant, the maintenance granted by the Family Court in favour of the Respondents is just and proper.

8. I find no merit in the instant revision. It is, therefore, dismissed.
9. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge