

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.746 of 2017

Ramesh, S/o Nanku Ram, aged about 38 years, Caste Gond, R/o Village Chopan, Post Patrapali, P.S. and Tahsil Baikunthpur, District Korla, Chhattisgarh

---- Applicant

versus

Smt. Fulmati, W/o Ramesh, aged bout 30 years, Caste Gond, R/o Baikunthpur, P.S. and Tahsil Baikunthpur, District Korla, Chhattisgarh

--- Respondent

and

Criminal Revision No.934 of 2017

Smt. Fulmati, W/o Ramesh, aged bout 30 years, Caste Gond, R/o Baikunthpur, P.S. and Tahsil Baikunthpur, District Koriya, Chhattisgarh

---- Applicant

versus

Ramesh, S/o Nanku Ram, aged about 38 years, Caste Gond, R/o Village Chopan, Post Patrapali, P.S. and Tahsil Baikunthpur, District Koriya, Chhattisgarh

--- Respondent

For husband Ramesh	:	Shri Aditya Chopra, Advocate
For wife Smt. Fulmati	:	Shri S.K. Kushwaha, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10.7.2018

1. With the consent of Learned Counsel appearing for the parties, the matters are heard finally.
2. Since both the revisions have been preferred against the common order, they are disposed of by this common order.
3. Both the revisions have been preferred against the order dated 22.4.2017 passed by the Family Court, Baikunthpur, District Koriya

in M.Cr.C. No.31 of 2016, whereby the Family Court has granted monthly maintenance of Rs.2,000/- in favour of the wife.

4. Criminal Revision No.746 of 2017 has been preferred by husband Ramesh for quashing the order of maintenance and Criminal Revision No.934 of 2017 has been preferred by wife Smt. Fulmati for enhancement of the maintenance.
5. An application under Section 125 of the Code of Criminal Procedure was filed by the wife on the ground that she was married with the husband in the year 2007. After 2 years of the marriage, the husband started subjecting her to cruelty and in the year 2010-11, he married another woman and is living with her. Wife Fulmati is unable to maintain her and the yearly income of the husband is Rs.5,00,000/-. Therefore, sufficient means is available with the husband for maintaining wife Fulmati. The husband denied the allegations made in the application under Section 125 of the Code of Criminal Procedure. He pleaded that wife Fulmati herself has left his house and she is living separately from him without any sufficient cause. Therefore, she is not entitled to get any maintenance.
6. After taking evidence of both the parties on record, the Family Court has granted the monthly maintenance of Rs.2,000/- in favour of wife Fulmati.
7. Learned Counsel appearing for husband Ramesh submits that wife Fulmati is living separately from the husband without any reasonable cause and, therefore, she is not entitled to get any maintenance from him.

8. Per contra, Learned Counsel appearing for wife Fulmati submits that the husband has performed second marriage with another woman and, therefore, there is sufficient cause for wife Fulmati to live separately from him. He further submits that looking to the income of the husband, the monthly maintenance of Rs.2,000/- granted by the Family Court in favour of the wife is on lower side and deserves to be enhanced suitably.
9. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
10. A bare perusal of the impugned order makes it clear that the husband has admitted that one lady Rajkumari is living with him as his wife. The husband's witness Sukhlal and Ramkishun have also admitted this fact. Thus, it is clear that the husband is living with another woman. Therefore, wife Fulmati is living separately from the husband with sufficient cause is legally established.
11. Though as per the pleading of wife Fulmati the husband owns 10-12 acres of agricultural land, no documentary evidence has been led by her in support of her pleading. Therefore, the Family Court has rightly observed that the husband works as a labour and looking to his income the grant of monthly maintenance of Rs.2,000/- is just and proper and the same does not warrant enhancement.
12. Resultantly, both the revisions are dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE