

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.835 of 2017

Kamlesh Sahu, S/o Sukul Prasad Sahu, aged about 34 years, R/o
HIG 97, Maharana Pratap Nagar, Police Station Korba, Tahsil and
District Korba, Chhattisgarh (other addresses mentioned in the
impugned order are not relevant, hence, omitted)

---- Applicant

versus

1. Smt. Sughrithi Sahu, D/o Kalaram Sahu, aged about 29 years,
2. Ku. Reisa Sahu, D/o Shri Kamlesh Sahu, aged about 4 years, through
natural guardian mother, Smt. Sughrithi Sahu,

Both residents of House No.12/1069, Siddheshwari Mandir Marg,
Kota, Tahsil and District Raipur, Chhattisgarh

--- Respondents

For Applicant	:	Shri D.K. Gwalre, Advocate
For Respondents	:	Shri R.K. Pali, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

2.8.2018

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 22.7.2017
passed by the Family Court, Raipur in M.J.C. No.63 of 2016,
whereby the Applicant has been ordered to pay monthly
maintenance of Rs.30,000/- to Respondent No.1/wife and that of
Rs.15,000/- to Respondent No.2/daughter of the Applicant.
3. Marriage of the Applicant and Respondent No.1 was solemnised
on 17.2.2011. It is not in dispute that Respondent No.2 is their
daughter. On 25.1.2016, the Respondents preferred an application
under Section 125 of the Cr.P.C. against the Applicant with an

avermment that at the time of marriage, the Applicant was working in a Bank at Singapore. It was alleged that due to harassment and cruelty of the Applicant and his family members, the Respondents started residing separately from him and they are unable to maintain them and the Applicant earns Rs.6,50,000/- per month and Respondent No.1/wife has no source of income. In his reply, the Applicant pleaded that he was in employment of the said Bank from 28.9.2009 to 13.2.2015 and thereafter he is unemployed till date. He and his family members never subjected the Respondents to any harassment or cruelty. Respondent No.1/wife is residing separately from him without sufficient cause. Therefore, both the Respondents are not entitled to get any maintenance from him.

4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. The Family Court, after recording evidence, vide the impugned order, has allowed the application preferred by the Respondents and granted them monthly maintenance as already stated in the second paragraph of this order.
6. It is not in dispute that the Respondents are wife and daughter of the Applicant, respectively and they are residing separately from him. One criminal case regarding harassment to wife is pending against the Applicant. From the evidence adduced by the wife, it seems that presently she is residing separately from him with sufficient cause. There is nothing on record on the basis of which it could be established that Respondent No.1/wife is employed or earning any money. Admittedly, the Applicant was working in a

Bank at Singapore. Though as per his averment, at present, he is not working in the said Bank, what is presently he doing and what is the source of his income have not been disclosed by him. In these circumstances, on the basis of the factual position of the Applicant, the Family Court has rightly arrived at the conclusion that he can maintain his wife and daughter.

7. The Family Court has granted monthly maintenance of Rs.30,000/- to Respondent No.1/wife and that of Rs.15,000/- to Respondent No.2/daughter. Looking to the present financial condition of the Applicant, the maintenance granted to the Respondents is on higher side. Taking into consideration the social and financial status of both the parties, granting monthly maintenance of Rs.15,000/- to the wife and that of Rs.15,000/- to the daughter would be just and proper. Ordered accordingly. This order of grant of maintenance shall be effective from today itself.
8. In the result, the revision is allowed in part to the extent indicated above.
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