

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.12 of 2018

Sonu Prajapati, S/o Shri Jogi Prajapati, aged about 32 years, R/o Ward No.3, Jawahar Colony, Kharsia, P.S. and Tahsil Kharsia, District Raigarh, Chhattisgarh

---- Applicant

versus

1. Smt. Janki Manikpuri (Prajapati), W/o Sonu Prajapati, aged about 28 years,
2. Rishu Prajapati, S/o Sonu Prajapati, aged about 3 years, minor, through natural guardian mother Smt. Janki Manikpuri,

Both R/o Near Santoshi Shiv Mandir, Nayapara Kirti Nagar, Bilaspur, Chhattisgarh

--- Respondents

For Applicant	:	Shri Abhishek Saraf, Advocate
For Respondents	:	Shri Shashi Kumar Kushwaha, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14.8.2018

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 6.11.2017 passed by the Family Court, Bilaspur in M.J.C. No.370 of 2017 allowing the application for interim maintenance preferred by the Respondents and ordering the Applicant to pay monthly interim maintenance of Rs.1,000/- to Respondent No.1/wife and Rs.800/- to Respondent No.2/minor son.
3. Learned Counsel appearing for the Applicant submits that the Applicant has denied that Respondent No.1 is his legally wedded wife and Respondent No.2 is his legitimate or illegitimate child. In

these circumstances, the Family Court has wrongly granted the interim maintenance in favour of the Respondents.

4. On the contrary, Learned Counsel appearing for the Respondents submits that though the Applicant has denied that Respondent No.1 is his legally wedded wife and Respondent No.2 is his legitimate or illegitimate child, this is to be decided by the Family Court only after taking evidence of the parties. He further submits that the Applicant has sworn in an affidavit on 22.11.2013, which is also a part of the record. In that affidavit, he has admitted the fact that on 31.1.2013, he had performed marriage with Respondent No.1. Therefore, at this stage, the Family Court has rightly granted the interim maintenance in favour of the Respondents.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. Though the Applicant has denied that Respondent No.1 is his legally wedded wife and Respondent No.2 is his legitimate or illegitimate child, in the pleadings as well as in the affidavit submitted under Order 18 Rule 4 of the Code of Civil Procedure, Respondent No.1 has categorically stated and pleaded that on 31.1.2013, her marriage was solemnised with the Applicant in a group marriage. A photo copy of the affidavit dated 22.11.2013 sworn in by the Applicant is also annexed with the record of the Family Court which reveals that the Applicant has also admitted that his marriage was performed with Respondent No.1 on 31.1.2013. Therefore, on the basis of above, at this stage, it seems that Respondent No.1 is legally wedded wife of the Applicant. Hence, the Family Court has rightly granted the interim

maintenance in favour of the Respondents.

7. Thus, the revision has no substance. It is, therefore, dismissed.
8. 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