

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1209 of 2018

Arjun Sahu, S/o Shri Motiram Sahu, aged about 47 years, R/o Navagaon (Khudmudi), Police Station Bemetara, Tahsil Bemetara, District Bemetara, Chhattisgarh

---- Applicant

versus

1. Smt. Sambati, W/o Arjun Sahu, aged about 40 years, R/o Navagaon (Khudmudi), Police Station Bemetara, Tahsil Bemetara, District Bemetara, Chhattisgarh
2. Kumari Champa, D/o Arjun Sahu, aged about 17 years, R/o Navagaon (Khudmudi), Police Station Bemetara, Tahsil Bemetara, District Bemetara, Chhattisgarh, being minor through the natural guardian mother Respondent No.1

--- Respondents

For Applicant	:	Ms. Upasana Mehta, Advocate
For Respondents	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12.12.2018

1. Heard Learned Counsel for the Applicant on admission and also perused the record with due care.
2. The instant revision has been preferred against the order dated 3.8.2018 passed by the Family Court, Bemetara in Criminal M.J.C. No.45 of 2018, whereby the Family Court has allowed the application under Section 125 of the Code of Criminal Procedure in favour of the Respondents and granted monthly maintenance of Rs.1,500/- in favour of Respondent No.1/wife and Rs.1,200/- in favour of Respondent No.2/daughter.
3. It is not in dispute that Respondent No.1 is legally wedded wife of

the Applicant and Respondent No.2 is their daughter. From the evidence adduced by the parties, it is also clear that the Applicant/husband, without taking divorce from Respondent No.1/wife, performed second marriage with one woman, namely, Nembai and from her he has one son and one daughter also. Thus, it is clear that both the Respondents have sufficient cause for residing separately from the Applicant.

4. As regards the quantum of maintenance, Respondent No.1/wife has admitted that she earns Rs.1,200/- per month by working as a cook in a primary school, but, looking to the present inflation, the said meagre sum of Rs.1,200/- cannot be considered to be sufficient for maintenance of two persons/Respondents. According to the Applicant/husband himself, he works as a Rajmistri (Mason) and he also owns some agricultural land. In these circumstances, the grant of monthly maintenance of Rs.1,500/- and Rs.1,200/- in favour of Respondents No.1 and 2, respectively is just and proper.
5. Consequently, the revision is dismissed at the stage of admission itself.
6. 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