

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 34 of 2008**

- Leelawati wife of Narayan, aged about 16 years through her father Ghasiram son of Matwar, aged about 55 years, Caste Kanwar, Permanent resident of village Tibhaudihi, Post Chharrathanger, Tahsil Gharghoda, District Raigarh (CG)

---- Applicant**Versus**

- Narayan Son of Shyamlal, aged about 16 years, resident of village Tibhaudihi, Post Chharrthanger, Tahsil Gharghoda, District Raigarh (CG) through his father Shyamlal son of Tulsiram, aged about 48 years, resident of village Tibhaudihi, Post Charrthanger, Tahsil Gharghoda, District Raigarh (CG)

----Respondent

For Applicant	: None
For Respondent	: None

Hon'ble Smt. Justice Rajani Dubey**Order On Board****29.8.2019**

1. Heard.
2. The applicant has preferred this revision against the order dated 13.11.2007 passed by the Judge, Family Court, Raigarh (CG) in Misc. Cr. Case No.46/2005, whereby, the Court below has partly allowed the application filed by the applicants and granted maintenance of Rs.300/- per month in favour of applicant No.2(daughter) and rejected the application of applicant No.1(wife).
3. Facts of the case are that the applicant/wife filed an application under Section 125 Cr.P.C. before the family court for grant of maintenance on the ground that the respondent on assurance of

marriage committed sexual intercourse with her continuously for long time, due to which, she became pregnant and gave birth to a girl child namely- Guddi on 5.6.2004, but the applicant denied accepting the child. Thereafter, she lodged a report against the applicant under Section 376 IPC and the matter is under investigation. The applicant along with her daughter is residing in her parental house. She is unable to maintain herself and her daughter, hence she claimed maintenance of Rs.3000/-, Rs. 3000/- total Rs.6000/- per month.

4. The respondent did not appear before the Family Court and the matter was decided ex-parte on the basis of oral and documentary evidence of the applicants. The Family Court partly allowed the application and granted maintenance of Rs.300/- per month to the daughter and dismissed the application of the applicant/wife arrived at a finding that she is not legally married wife of the respondent. Hence, this revision has been filed by the applicant for grant of maintenance.
5. The Family Court has passed the order of maintenance of Rs.300/- per month to the daughter considering the oral and documentary evidence submitted by the applicant.
6. This revision has been filed against the impugned order on the ground that the order is illegal and against the settled principles of law. The Family Court ought to have considered the financial ability of the respondent. The Family Court has also ignored this fact that

the respondent is already facing trial for an offence under Section 376 IPC.

7. Despite repeated calls, neither the parties nor their counsel appeared before this Court.
8. I have perused the impugned order and the material available on record.
9. It is clear from the oral and documentary evidence that the respondent never married to the applicant, but out of their love affairs one girl child was born and the Family Court after appreciating the oral and documentary evidence, granted maintenance of Rs.300/- per month to the minor daughter and dismissed the application of the present applicant on the ground that she is not legally married wife of the respondent.
10. Considering the facts and circumstances of the case and the evidence on record, I am of the opinion that the order passed by the Family Court does not suffer from irregularity or infirmity warranting any interference by this Court.
11. Accordingly, the revision is dismissed.

Sd/

(Rajani Dubey)

JUDGE