

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 466 of 2015**

Sukhdev alias Dindayal Chandrakar S/o Juthalu, aged about 25 years R/o Village Bhainsbod, P.S. Kunda, Civil & Revenue District Kabirdham (C.G.)

----Applicant

Versus

1. Smt. Ratna Bai Chandrakar W/o Sukhdev, aged about 22 years,
 2. Ku. Priyanka D/o Sukhdev, aged about 2 years, minor through her natural guardian mother Smt. Ratna Bai Chandrakar
- Both R/o Village Bhainsbod, Police Station Kunda, District Kabirdham (C.G.) at present R/o Village Mahka, Police Station Kunda, District Kabirdham (C.G.).

---- Respondents

For Applicant	:	Mr. F.S. Khare, Advocate
For Respondents	:	Mr. Vikash Pandey, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

25/02/2019

1. This revision has been preferred by the Applicant/Husband against order dated 21/04/2015 passed in Miscellaneous Criminal Case No. 147/2014 by the Family Court, Kabirdham (Kawardha), whereby the Family Court has granted monthly maintenance of Rs. 1000/- in favour of Respondent No. 1 i.e. wife of the Applicant and Rs. 800/- in favour of Respondent No. 2 i.e. daughter of the Applicant.
2. There is no dispute on the point that Respondent No. 1 is legally wedded wife of the Applicant and out of their wedlock, Respondent No. 2 borne. There is also no dispute on the point that without taking any legal divorce from Respondent No.1, the Applicant performed second marriage with another lady.

3. Learned counsel for the Applicant submits that as per compromise deed Ex.A/8, the Applicant has given 2 acres of agricultural land to the Respondents towards their maintenance, but inspite of this fact, the learned Family Court granted maintenance in favour of the Respondents, thus the order passed by the Family Court is perverse.
4. Counsel for the Respondents supported the impugned judgment.
5. I have heard counsel for the parties and perused the records as well as Compromise deed Ex.A/8.
6. During Court statement, Respondent No. 1/wife has admitted that the said deed had been executed between the parties. From perusal of the said deed, it is clear that since the Applicant has performed second marriage and because of this, the said land has been given to Respondent No. 1/Wife on the recommendation of the society members. There are no averments made by the Respondents in the said deed that they are leaving their future maintenance right, therefore, the arguments advanced by the counsel for the Applicant does not have any substance.
7. Looking to the income and earning capacity of the Applicant as well as his other responsibility, the maintenance granted by the Family Court is just and proper and requires no interference.
8. Accordingly, the revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge