

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 823 of 2015**

- Santosh Sinha S/o Shri Kunjlal Sinha Aged About 26 Years By Caste Kalar, R/o Village Pachhari, Police Station Patewa, Tah. And Civil-Rev. Distt. And Distt. Mahasamund Chhattisgarh,

---- Applicant**Versus**

1. Smt. Kuleshwari Bai W/o Shri Domann Nishad Aged About 28 Years
2. Keshav Sinha Minor S/o Shri Santosh Sinha Aged About 1 Years Being Represented By Resp. No. 01, Mother In Relation, Caste Ganda,

Both R/o Village Pachhari, Police Station Patewa, Tahsil And Civil-Rev. Distt. And District Mahasamund Chhattisgarh

---- Respondents

For Applicants	: Shri J.A.Lohani, Advocate
For Respondent	: Shri Sunil Sahu, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****14/08/2019**

The present revision is filed against the impugned order dated 31.08.2015 passed by the Judge, Family Court Mahasamund in M.J.C. No. 07/2015 whereby the court below has partly allowed the application filed by the non-applicants and awarded a sum of Rs. 1500/- per month as maintenance in favour of non-applicant No.2.

2. Brief facts of the case are that respondents filed application under Section 125 Cr.P.C. before the trial court on the ground that

respondent No.1 was in love affair with the applicant and on the basis of false promise of marriage, physical relationship developed between them as a result of which she got conceived and one child was born (respondent No.2). FIR was lodged by the respondent No.1 against the applicant. However, the applicant left her and did not marry. Applicant did not take care of the respondents therefore they filed application under Section 125 Cr.P.C. before the trial court.

3. In his reply, applicant denied all the allegations levelled against him and stated that the respondent No.1 is not his legally wedded wife and that she is the wife of one Doman Nishad with whom she has not obtained any divorce and therefore the application filed by her is not maintainable.

4. After hearing both the parties, learned trial court dismissed the application of respondent No.1 and allowed the application of respondent No.2 and granted Rs. 1500/- per month as maintenance. Hence this revision.

5. Counsel for the applicant submits that the impugned order is perverse, illegal and bad in the eye of law. Respondent No.1 is legally married wife of one Doman Nishad and out of their wedlock they are having three children and she had not taken divorce from him and the applicant has faced the criminal case instituted by respondent No.1 based upon false report.

6. Learned Sessions Court acquitted the applicant from all the charges therefore respondent No.2 is also not entitled for any maintenance.

7. Heard counsel for the parties and perused the material available on record.

8. Respondent No.1 has produced the order and documentary evidence before the trial court on the basis of birth certificate Ex.A-2 and Jacha Bachha card Ex.A-3 and certificate of CG *Jheria Gaada Samaj Kourdiya Parikshetra*, district Mahasamund and judgment of the Sessions Court Ex.A-1, which was partly allowed. Learned trial court vide order impugned dated 31.08.2015 in para 8 to 18, after appreciation of oral and documentary evidence dismissed the application of the respondent No.1 and allowed the application of respondent No.2. This finding is based on proper appreciation of evidence.

9. Therefore, in all aspects, the order impugned, is sustainable and does not suffer with any illegality or impropriety. Therefore, this Court finds that the order impugned requires no interference from this Court.

Resultantly, the revision filed by the applicant for setting aside the order impugned is dismissed.

Sd/-

(Rajani Dubey)
Judge