

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRR No. 75 of 2019

- Tameshwar Sahu, son of Lakhan Sahu, aged about 31 years, resident of village Rampur, Tahsil Kurud, District Dhamtari (C.G.)

---- Applicant

Versus

1. Smt. Jitendri Sahu, W/o Tameshwar Sahu, aged about 29 years, resident of Rampur, Bhakhara, Tahsil Kurud, District Dhamtari (C.G.) at present resident of Khorpa, Tahsil Abhanpur, District Raipur (C.G.).
2. Ku. Bhevika Sahu, daughter of Tameshwar Sahu, aged about four and a half years, through Legal natural guardian mother namely Smt. Jitendri Sahu, wife of Tameshwar Sahu, resident of Rampur, Bhakhara, Tahsil Kurud, District- Dhamtari (C.G.)

---- Respondents

For Applicant	:	Mr. A.D. Kuldeep, Adv.
For Respondent	:	Mr. Sumit Shrivastava, Adv.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

04.07.2019

1. This revision has been filed against the order dated 13.11.2018 passed by learned Family Court, Dhamtari (C.G.) in Miscellaneous Criminal Case No. 38/2018 whereby the learned trial Judge directed the applicant/husband to pay maintenance of Rs. 2000/- to respondent No.1 and Rs. 1,000/- to respondent No. 2 per month.
2. It is an admitted fact that applicant's marriage was solemnized with respondent No.1 and out of their wedlock they have three children. Respondent No. 2 is living with her mother (respondent No.1) and two other children are living with the applicant.

3. The respondent filed an application under Section 125 of Cr. P.C. for grant of maintenance. Respondent No. 1 was residing happily with applicant at their matrimonial house from 2010 to 2015 and after that applicant keep another women as his wife. Applicant had harassed respondent No. 1 in such a manner so that she left her matrimonial house. She has no means to manage herself and her daughter whereas, applicant is earning Rs. 250 to 300 per day and he has five acre of agricultural land also from which he earns Rs. 1,00,000/- per year. On this ground, respondent No.1 claimed maintenance of Rs. 10,000/- per month from the date of application. Hence, this revision petition.

3. Applicant in his reply denied the allegation and stated that he never harassed the respondent. Asha Bai is only a maid who takes care of the children of applicant in his absence. He has no love affairs with Asha Bai. Respondent No. 1 had left matrimonial home willingly. The applicant hardly earns Rs. 100 to 150 per day and he has to maintain his two children as well as his old parents & one mentally disturbed brother. He does not have any agricultural land.

5. Supporting the impugned judgment, learned counsel for the respondent submits that the Court below was fully justified in awarding the maintenance.

6. Heard learned counsel for the parties and perused the material on record including the impugned order.

7. From the evidence on record, what emerges is that, the respondent No. 1 is unable to maintain herself. She is living separately for sufficient reasons that is her subjection to cruelty by her husband. Applicant submits that he has responsibilities of his family and, therefore, it will be difficult for him to pay Rs. 3,000/- per month. Considering the material available on record and evidence of the parties, this Court is of the opinion that the order

dated 13.11.2018, passed by the Court below being fully justified do not call for any interference by this Court in revision.

11. Accordingly, this revision has no substance and it is liable to be and is hereby dismissed.

Sd/-
(Rajani Dubey)
JUDGE

Vijay Sahu