

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order reserved on 23.7.2019****Order delivered on 27.8.2019****CRR No. 147 of 2019**

- Ajay Kumar Namdeo son of Shri Banshi Lal Namdeo, Aged About 36 Years R/o Village- Tilkeja, Police Station Urga, Tahsil And District Korba, Chhattisgarh.

---- Applicant**Versus**

- Smt. Manisha Namdeo W/o Shri Ajay Kumar Namdeo, Aged About 27 Years R/o Village Sarai Shringar, Police Chowki Hardi Bazar, Tahsil Katghora, District Korba, Chhattisgarh.

----Respondent

For Applicant	: Shri G.R. Miri, Advocate
For Respondent	: None though served.

Hon'ble Smt. Justice Rajani Dubey**CAV Order**

1. Heard on admission.
2. This revision is directed against the order dated 21.12.2018 passed by the Judge, Family Court, Korba, District Korba(CG) in MJC No. 33/2018, whereby the Judge Family Court has granted monthly maintenance of Rs.2000/- to the respondent on her application filed under Section 125 Cr.P.C.
3. Facts of the case are that marriage between the applicant and the respondent was solemnized on 13.5.2013 according to Hindu customs and rituals and this fact is not in dispute. After marriage, the applicant and his mother started the respondent treating with cruelty on account of demand of dowry. They were not providing her food due to which she fell sick. In the year 2015 she went to

her parental house and she was afraid of going back to the matrimonial house. Thereafter, applicant and his family members go to the parental house of the respondent to bring her back, but she denied going, on which, the applicant filed an application before the Pariwar Paramarsh Kendra where he gave assurance to keep the respondent properly and bring back the respondent with him to the matrimonial house. But after some time, they again started torturing and demanding money and the respondent to save her life, on 18.5.2016 at 4.00 am left the matrimonial house and since then she is living separately. She pleaded that she has no source of income and unable to maintain herself. The applicant has 3 acres of land from which he earned Rs.80,000/- per year and he is selling general articles(manihari saman) and cosmetics in the market by wondering and earns Rs.15,000/- per month, therefore, she prays for monthly maintenance of Rs.7,000/-.

4. Denying the allegations, the applicant pleaded that respondent is living separately without sufficient reason and she left the house at her own will. He further pleaded that he is doing labour work and he is dependent on his father, therefore, the order dated 21.12.2018 is liable to be set aside.
5. Having considered the material on record, the learned Family Court granted maintenance of Rs.2000/- per month to the respondent and that order is under challenge in this revision petition.

6. Learned counsel for the applicant submits that the order passed by the Family Court is arbitrary and contrary to law and the same is liable to be set aside. The respondent has left the house of her husband on her own will and she has taken with her all the ornaments and other articles. The applicant has tried many times to bring back his wife (respondent), but she refuses to return. The respondent has not submitted any single document which could prove the income of the applicant even then maintenance of Rs.2000/- has been granted to the respondent.
7. No one appears on behalf of the respondent though notice is served.
8. I have heard learned counsel for the applicant and perused the order dated 21.12.2018.
9. The applicant has stated in his evidence that the matter was compromised in Pariwar Paramarsh Kendra and the respondent was returned to her matrimonial house. But the respondent has categorically stated in examination in chief and cross examination that the applicant and his mother tortured her physically and mentally and the applicant has also admitted the fact that the respondent had left the house on 18.5.2016 and ran away at 4.00 am. The learned Family Judge in para 14 and 15 has rightly held that the respondent has sufficient reason to live separately from the applicant. As regards quantum of maintenance is concerned, it cannot be said to be disproportionate or unreasonable looking to the present price index. The order passed by the Family Court

does not suffer any irregularity or illegality and the same is not liable to be interfered with. Thus, the revision is dismissed at the motion stage itself.

- 10.** Consequently, I.A.No.1/2019 for grant of stay is also dismissed.

Sd/

(Rajani Dubey)

JUDGE