

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 181 of 2019**

- Ramjharokha Patel @ Sonu S/o Shri Krishna Patel Aged About 32 Years R/o Village Bamhani, Police Station Khamhariya, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicant**Versus**

- Ku. Mahi D/o Shri Suresh Singh Chandel Aged About 3 Years Minor Through Her Mother Soniya Chandel, D/o Shri Suresh Singh Chandel Aged About 24 Years R/o Ward No. 3, Dewangan Para Khamhariya, Police Station Khamhariya, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

----Respondent

For Revisioner/Applicant : Shri Sameer Singh, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****10.7.2019**

1. Heard on admission.
2. This revision has been filed by the applicant (father) against the order dated 8.1.2019 passed by the Principal Judge, Family court, Bemetara, District Bemetara (CG) in Cr.MJC No. 149/2018, wherein, the Family court has allowed the application under Section 125 of the Code of Criminal Procedure, 1973 (for short the Cr.P.C.) and granted maintenance of Rs.1500/- per month to the respondent (daughter).
3. Brief facts of the case are that mother of the respondent- child namely- Soniya Chandel completed her education in the year 2013 while residing in the house of her maternal uncle at village

Mohbhatta, District Kabirdham (CG). It is alleged that the applicant on the basis of pretext of marriage developed illicit relations and committed sexual intercourse with the mother of respondent- Soniya Chandel due to which she became pregnant and gave birth to a female child, the respondent herein. When mother of the respondent asked the applicant to marry her, he refused, on which, a complaint was lodged and crime under Section 376 of the I.P.C. was registered against the applicant. Charge sheet was filed and trial was conducted. During trial D.N.A. test was conducted and the applicant found biological father of the child respondent -Mahi, on the basis of which, application under Section 125 Cr.P.C. was filed.

4. The applicant in reply, opposed the application filed by the respondent and denied all the allegations with additional pleadings that character of mother of the respondent- Soniya Chandel is not good and she has illicit relations with many persons.

5. The Family court after recording evidence and statements of both the parties came to the conclusion that the applicant is father of the respondent and he is duty bound to maintain his minor daughter and by allowing the application granted maintenance of Rs.1500/- per month to the respondent-daughter, who is aged about 3 years. Thus, this revision has been filed by the applicant.

6. Learned counsel for the applicant submits that impugned order passed by the family court is illegal and bad in law as the same is passed without considering the material and evidence available on record. Mother of the respondent namely- Soniya Chandel has not been able to establish her relations with the applicant. He also submits

that the quantum of maintenance is on higher side, therefore, the order passed by the family court is liable to be set aside.

7. I have heard learned counsel for the applicant and perused the record.

8. The respondent is aged about 3 years and the revisioner/applicant, who is father, is duty bound to maintain his minor daughter. The applicant has failed to prove before the court below that mother of the respondent- Soniya Chandel has illicit relations with some other persons and the D.N.A. test report has not been challenged by the applicant. The applicant has pleaded that he has no other source of income and he is a labourer, but no certificate has been produced to this effect. The applicant is duty bound to maintain his legitimate or illegitimate children. Therefore, I am of the view that there is no irregularity or illegality in the order passed by the Family Court. Thus, the revision is dismissed at the motion stage itself.

Sd/

(Rajani Dubey)

JUDGE