

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 458 of 2008

Order reserved on 27.03.2019

Order pronounced on 05.12.2019

Hemlal, S/o Parasram Nishad, aged about 32 years, R/o. Village Tumdilewa, P.S. Somni, P.O. Banbaghera, District Rajnandgoan, CG.

---- Applicant

Versus

Kumar Shalani D/o. Hemlal Nishad, aged about 5 months, Natural Guardian Mother Heeraundi Bai, D/o. Devlal Lahere R/o. Village Tumdilewa, P.S. Somni, P.O. Banbaghera, District Rajnandgoan, CG.

---- Respondent

For Applicant	: Ms. Anjali Singh Chouhan, Advocate
For Respondent	: Sr. Advocate Mr. K. A. Ansari, with Mr. Kripesh G. Kela, Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

C.A.V Order

By this revision the applicant has sought for setting aside the order impugned dated 24.06.2008 passed by Family Court, Rajnandgaon in Misc. Criminal Case No.11/2007 where the respondent – the illegitimate minor child born out of the extra-marital physical relation between the applicant herein and Hiraundi Bai (the mother of the respondent).

2. While deciding issue No.1 in Misc. Criminal Case No.11/2007 learned Family Court has already arrived at the conclusion that the respondent namely Ku. Shalani was the illegitimate child of the applicant herein born out of his physical relations with her mother (Hiraundi Bai) and therefore, it is no more in dispute that he was the biological father of the respondent.

3. It has been averred by the applicant in the revision that he has no definite source of income and earns barely Rs.30-40 per day as a

labourer and therefore, he is not in a position to pay Rs.500 per month towards maintenance of the respondent as has been directed by the order impugned. Mother of the respondent namely Hiraundi Bai is also stated not to have any independent income to maintain the respondent who is living with her separately.

4. Be that as it may, since it has been settled by the Family Court that the respondent was the illegitimate offspring of the applicant born out of his physical relations with Hiraundi Bai, he cannot escape from his liability to maintain her till she attains majority. That way, the order impugned asking the applicant to pay Rs.500 per month to the respondent till her attaining majority is not at all liable to be disturbed nor the amount awarded can be said to be on the higher side. No illegality in the order impugned is noticeable worth interference in this revision. Revision is accordingly dismissed.

Sd/-

(Vimla Singh Kapoor)

Judge

Jyotishi/ajay