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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 977 of 2017**

Arjun Sahu S/o Jhangal Sahu, aged about 33 years, Occupation Service, Apollo Hospitals Bilaspur, and agriculturist R/o Rajkishore Nagar Lingiyadeh Bilaspur and Village Bodtara, P.S. Pandatarai, District Kabirdham, at present R/o Apollo Hospitals Bilaspur, Tahsil and District Bilaspur.

---- Applicant

Versus

Smt. Sarita Sahu W/o Arjun Sahu, aged about 28 years, Occupation nothing, housewife, R/o Rajkishore Nagar, Lingiyadeh Bilaspur, at present R/o Ram Nagar, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.).

---- Respondent

AND**Criminal Revision No. 307 of 2018**

Smt. Sarita Sahu W/o Arjun Sahu, aged about 28 years, Occupation housewife, R/o Raj kishore Nagar, Lingiyadih Bilaspur, at present R/o Ram Nagar, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.).

---- Applicant

Versus

Arjun Sahu S/o Jhangal Sahu, aged about 32 years, Occupation Service, Apollo Hospitals Bilaspur, and agriculturist R/o Rajkishore Nagar Lingiyadih Bilaspur and Village Bodtara, P.S. Pandatarai, District Kabirdham, at present R/o Apollo Hospitals Bilaspur, (C.G.)

---- Respondents

For Applicant In CRR No. 977/2017	: Mr. Alok Bakshi and Ms. Swati Verma, Adv.
For Applicant In CRR No. 307/2018	: Mr. Malay Shrivastava, Advocate
For Respondent In CRR No. 977/2017	: Mr. Malay Shrivastava, Advocate
For Respondent In CRR No. 307/2018	: Mr. Alok Bakshi and Ms. Swati Verma, Adv.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****12/03/2019**

1. Since both the revisions arise out of same order dated 04/09/2017 passed in MJC No. 841/2016 by the Family Court, Kabirdham

(Kawardha), therefore, they are being disposed of by this common order. The Family Court vide above order has granted the monthly maintenance of Rs. 3500/- in favour of the Applicant (in CRR No. 307/2018).

2. Facts of the case are that the marriage between both the parties was solemnized on 28/04/2009 at Kawardha. It is alleged that after the marriage, the Respondent (in CRR No. 307/2018) (henceforth 'the Husband') treated the Applicant (In CRR No. 307/2018) (henceforth 'the Wife') with cruelty and also had set her on fire due to which she sustained 40-45% burn injuries. After the incident, the Wife was provided preliminary treatment. Later on, she was sent to her paternal house. Thereafter, on the saying of society members, the Husband took the Wife with him with an assurance that he will keep her well, and left her at village- Bortara. It was further pleaded that the Husband neither came to the village nor he cared her. Ultimately, she came to her parental house and since then she is living there. It was further pleaded by her that she is unable to maintain herself. The Husband is working at Apollo Hospital, Bilaspur and getting Rs. 18-20 thousand rupees monthly. There is 20 acres of agricultural land also on the name of his father.
3. In his reply, the Respondent denied all the allegations made against him. It was pleaded by him that before the marriage, the Wife was having mental disease and by suppressing this fact, his marriage was performed with her. After marriage also, the Wife was not in normal condition and one time, she burned herself due to her mental

condition. Thereafter, she went to her paternal house and since then living separately there without any reasonable cause. It was further pleaded that the Wife also made a false report against him. It was further pleaded by him that he is getting Rs. 5000/- monthly only and on the name of his father, there is 5 acres of land on which whole family of his father are dependent.

4. Before the Family Court, both the parties have adduced their evidence and also submitted some documents. The Wife examined herself as Applicant Witness No. 1 and also examined her father namely Dhanau Sahu as Applicant Witness No. 2. The Husband examined himself as Non-Applicant Witness No. 1 and also examined two other witnesses namely Radhe shyam sahu and Jungle Sahu as Non-Applicant Witness No. 2 & 3.
5. After recording the evidence and hearing their submission, the learned Family Court vide impugned order dated 04/09/2017 granted monthly maintenance of Rs. 3500/- in favour of the Wife. Thus, these revisions.
6. Criminal Revision No. 977/2017 has been preferred by the Husband on the ground that since the Wife is residing separately without any reasonable cause, therefore, she is not entitled to get any maintenance and also on the ground that looking to the monthly income of the Husband, monthly maintenance of Rs. 3500/- granted by the Family Court is on higher side.
7. Criminal Revision No. 307/2018 has been preferred by the Wife for

further enhancement of the maintenance amount.

8. I have heard counsel for the parties and perused the records.
9. There is no dispute on the point that the marriage between the parties was solemnized on 28/04/2009 and presently the Wife is residing separately at her paternal house. There is also no dispute on the point that in the year 2011, the incident in which the Wife got burned through fire was happened.
10. As stated by the Wife, she was burned by her husband and thereafter in the social meeting, the Husband accepted his fault and took her with him. The above statement of wife that her Husband by accepting his fault had taken her with him, was not rebutted. Contrary to this, the Husband has stated that due to her mental condition, the Wife has burned herself. As stated by the Husband, the mental condition of the Wife was poor before the marriage and when he got to know this fact, he got treated her, but he was not able to disclose the fact that where and by whom, he got treated the Wife. It is also deposed by the Husband that he has made a report regarding attempt of suicide committed by the Wife, but he has not submitted any document in this regard. In para 12 and 13 of his cross-examination, the Husband deposed that looking to the activity of the Wife, it seems that her mental condition is not stable or good and for this reason he does not want to keep her with him. He also admitted the fact that he never made an effort to take back the Wife with him. Moreover, no evidence has been produced regarding mental sickness of the Wife. From the above, it is clear that the Husband himself does not want to keep her

with him, therefore, the Wife has sufficient cause to reside separately. Thus, the finding of the Family Court in this regard is in accordance with the evidence available on records.

11. With regard to quantum of maintenance, as pleaded by the Wife that the Husband is working at Apollo Hospital and getting Rs. 18-20 thousands. In her Court statement also, she stated that the Husband gets Rs. 20 thousand while working in Apollo Hospital, but she did not produce any document in this regard. She also stated in para 10 of his statement that there is 1.5-2 acres of agricultural land on his name and in this regard, she has submitted a document *Kisht Bandhi Kathona* (Ex.A-2), which shows that there is total 0.99 hectare of agricultural land on the joint name of the Husband and his brother. The Husband, in his Court statement, stated that though he is working at Apollo Hospital, he is getting monthly salary of Rs. 5000/- only. It was further stated by him that presently he is residing in a rented house for which he pays Rs. 1000/- monthly, but he has not submitted any document in this regard. Thus, it is clear that he is suppressing his income.
12. Considering the social and financial status of both the parties, the monthly maintenance of Rs. 3500/- granted by the Family Court is just and proper and requires no interference.
13. Consequently, the Revisions have no merits and they are dismissed.

Sd/-
(Arvind Singh Chandel)
Judge