

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 451 of 2019**

- Jitendra Kashyap S/o Shri Sagar Kashyap Aged About 25 Years R/o Highway Channel Road, Babulal Gali, I Ambedkar, Ward, Behind Shiv Temple Jagdalpur, District Bastar Chhattisgarh.

---- Applicant**Versus**

1. Smt. Sukhwati W/o Shri Jitendra Kashyap Aged About 22 Years
2. Aditya S/o Shri Jitendra Kashyap Aged About 02 Months,
Both are R/o Village Hatguda, Police Station Parpa, District Bastar Chhattisgarh.,

---- Respondents

For Applicant	: Ms. Laxmin Kashyap, Advocate
For Respondents	: None

Hon'ble Smt. Justice Rajani Dubey**Order On Board****05.08.2019**

1. Heard on admission.
2. This revision is preferred against the order dated 2.3.2019, passed by the Judge, Family Court, Bastar at Jagdalpur (CG) in MJC No.65/2016 wherein the said Court has granted maintenance of Rs.1500/- and Rs.1000/-, total Rs. 2500/- per month to respondents 1 and 2 respectively.
3. Learned counsel for the applicant submits that the learned Family Court has erred in law in passing the order of maintenance of Rs.2500/- per month to the respondents. Respondent No.1 has failed to prove the reasons for residing separately, therefore, she is not entitled for any maintenance. He submits that the order passed by the Family Court is

against the settled principles of law and the Family Court did not properly appreciate the evidence of witnesses and the documents on record.

4. I have heard learned counsel for the applicant and perused the impugned order.

5. The Family Court after appreciation of evidence finds that the applicant has admitted the photographs of marriage, invitation card of marriage and in Aadhar Card (Ex.P1) his name has been mentioned as husband of respondent No.1 (para 10). The applicant and his family members were treated respondent No.1 with cruelty on account of demand of dowry and once the demand was also fulfilled by giving Motorcycle, but thereafter the demand was persistent, therefore, she has sufficient reason to live separately and ordered Rs.1500/- and Rs.1000/- per month as maintenance in favour of respondents 1 and 2 respectively. The Court has awarded monthly maintenance of Rs.2500/- only in favour of the respondents and that cannot be termed as unreasonable or disproportionate looking to the present price index and daily requirements. There is no irregularity or illegality in the said order passed by the Family Court warranting any interference by this Court.

6. Accordingly, the revision is dismissed at the motion stage itself without issuing notice to the respondents.

Sd/

(Rajani Dubey)
JUDGE