

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 463 of 2019**

- Parsuram Diwakar S/o Shivprasad Diwakar Aged About 28 Years R/o Village - Mathpur, Thana Kukdur, Tahsil - Pandariya, District Kabeerdham Chhattisgarh.

---- Applicant**Versus**

1. Smt. Sangeeta W/o Parsuram Diwakar Aged About 27 Years
2. Ku. Shrishti D/o Parsuram Diwakar, Aged About 2 Years 6 Months,
No. 2 is (Minor) Through her Gaurdian Mother Smt. Sangeeta,
Both are R/o Village - Hariharpur, Thana / Tahsil - Nawagarh, District
Bemetara Chhattisgarh.

---- Respondents

For Applicant	: Shri Sameer Singh, 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 4.2.2019, passed by the Family Court, Bemetara, District Bemetara(CG) in Cr. MJC No.143/2018 wherein the said Court has granted maintenance of Rs.2500/- and Rs.1000/-, total Rs. 3500/- per month to the 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.3500/- 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. The order 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. Relation between the parties is not in dispute. Respondent No. 1 is wife of the applicant and respondent No.2 is daughter of the applicant. The Family Court after appreciation of evidence find that the applicant has married to another lady namely- Namrata and he denied to keep respondent No.1, therefore, she has sufficient reason to live separately and ordered Rs.2500/- and Rs.1000/- per month as maintenance in favour of respondents 1 and 2 respectively. The Court has awarded monthly maintenance of Rs.3500/- 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