

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 206 of 2010**

- Bhuvneshwar Kurre S/o Shri Guharam Kurre, aged about 32 years, R/o Qr. No. 258/A/05 Balco Nagar Korba, Tahsil & District Korba (C.G.)

---- Applicant

Versus

1. Smt. Suman Kurre W/o Shri Bhuvneshwar Kurre, aged about 22 years, R/o Village Deori, P.S. Akaltara, Presently residing at Sector 5, Balco Nagar Korba, Tahsil & District Korba (C.G.)
2. Minor Yash Kumar aged about 1 and a half year, Mother Smt. Suman Kurre, W/o Shri Bhuvneshwar Kurre, R/o Village Deori Police Station Akaltara, present address Sector, Balco Nagar, Korba Tahsil & District Korba (C.G.)

through his natural guardian mother namely Smt. Suman Kurre.

---- Respondents

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent	:	None

Hon'ble Smt. Justice Rajani Dubey
Order on Board

22.07.2019

1. The applicant has preferred this revision against the order dated 29.01.2010 passed by learned Family Court, Korba (C.G.) in MJC No. 115/2009, whereby the learned Family Court has awarded total sum of Rs. 2,000/- per month (Rs. 1,500/- to Respondent No. 1 & Rs. 500/- to respondent No. 2) for maintenance from the applicant/husband herein.

2. Brief facts of the case are that the respondents herein filed an application for maintenance before the Family Court on 23.04.2009, where both the parties amicably settled their dispute and certain conditions were imposed upon the parties. After settlement of the dispute, respondent No. 1 (wife) went to the house of applicant where she resided for a period of one month. After passing one month,

applicant used to assault and hurl abuses to her, being annoyed with the act of the applicant/husband she filed application under Section 125 (3) of Cr.P.C.

3. In his reply, applicant/husband denied the allegations and stated that breach of compromise was made by the respondent and she herself left the house of applicant without there being sufficient cause, so she is not entitled for any maintenance and her application for grant of maintenance deserves to be dismissed.

4. The learned Magistrate, after examining all the evidence on record, came to the following conclusion, which reads thus :-

(I). Applicant/husband breached the conditions of compromise.

(II). Respondents (wife and son) are entitled for maintenance from the applicant/husband and directed applicant to pay Rs. 2,000/- per month (Rs. 1,500/- to Respondent No. 1 & Rs. 500/- to respondent No. 2) for maintenance. Hence, this revision.

5. Learned counsel for the applicant submits that the impugned order passed by learned Family court is bad in law. The learned Family Court failed to appreciate that after settlement of dispute between the parties, the applicant tried his level best to pacify dispute and resided happily along with respondent. Learned counsel for the applicant further submits that the learned Family Court failed to appreciate that a dispute taken place when the applicant along with his family was going to his father in law's house and an accident took place. On the very next day, respondent left the house of applicant. After the accident, family members of the respondent came to the house of applicant, blamed applicant for the accident alleging that he willingly caused accident, and soon after that, the report was lodged against the applicant by the respondent being influenced by her family members.

6. No representation, however, is made on behalf of the

respondents to put up his stand points.

7. Heard learned counsel for the applicant and perused the material on record including the impugned order.

8. Before the Family Court the applicant (respondent No.1 herein) examined herself as AW/1, her father Ved Prasad Dongre as AW/2 and Chetana Bai as AW/3, on the other hand, respondent (applicant herein) has examined himself as NAW/1 and Jatiram Banjare as NAW/2.

9. This is not in dispute that applicant and respondent No. 1 are legally married as husband and wife and respondent No. 2 is their son. Respondent No. 1 had filed a Civil Suit No. 8B/08 against the applicant, and after compromise, she resided with applicant for one month.

10. Respondent No.-1, in her Court statement, has categorically stated that after compromise, the applicant/husband used to drink, misbehave and beat her. The applicant also stated in his evidence that he used to take medicine advised by the doctors, due to which, he was unconscious, but the family members of respondent thought that he had consumed liquor. The respondent has sufficient cause to reside separately from the applicant and the applicant has breached the conditions of compromise. Thus, the findings of the learned Family Court in this regard is in accordance with evidence and in accordance with law and the Family Court has rightly granted maintenance in favour of the respondents (wife and son).

11. For the forgoing reasons, this Court does not find any merit in this revision. Hence, the revision is dismissed.

Sd/-
(Rajani Dubey)
JUDGE