

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 681 of 2018**

Minor Archit Pandey S/o Shrikant Pandey, Aged about 03 years through Mother Smt. Smriti Pandey R/o River View Colony, Koni, P.S. Koni, Distt. Bilaspur (C.G.).

----Applicant

Versus

Shrikant Pandey, S/o Late Ramkrishna Pandey, Aged about 32 years Present Address- Galli Infront of Rathore Daily Shop, Revenue Colony, Sarkanda Distt. Bilaspur (C.G.)

Permanent Address Village Banari, Distt. Janjgir Champa

---- Respondent

For Applicant	:	Mr. Pawan Kesharwani, Advocate
For Respondent	:	Mr. Ashutosh Shukla, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

14/02/2019

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been preferred against order dated 28/03/2018, whereby the learned Principal Judge, Family Court Bilaspur while allowing the application under Section 125 Cr.P.C filed by the Applicant granted monthly maintenance of Rs. 1500/- in his favour.
3. There is no dispute on the point that the Applicant is minor son of the Respondent and is residing with his mother namely Smriti Pandey. There is also no dispute on the point that the mother of the Applicant is working as Professor in CMD College, Bilaspur and admittedly she is getting Rs. 12500/- monthly from there.
4. Before the Family Court, the mother of the Applicant examined herself as

Applicant Witness No.1. The Respondent examined himself as Non-Applicant Witness No.1. Both have submitted some documents before the Family Court. After recording the evidence of both the parties and hearing their argument, the Family Court granted maintenance as mentioned in paragraph one of this order. Thus, this revision.

5. Counsel for the Applicant submits that though the mother of the Applicant is working lady, being a father preliminary responsibility to maintain the Applicant is of the Respondent. He further submits that considering the monthly income and earning capacity of the Respondent, monthly maintenance Rs. 1500/- is on lower side.
6. Counsel for the Respondent opposes the prayer and supported the impugned judgment.
7. In her cross-examination in para 12, it has been categorically admitted by the mother of the Applicant that she is working as Professor in CMD College, Bilaspur and is getting Rs. 12500/-. In para 28, she also categorically sated that she is capable to maintain the Applicant and also capable to bear medical and school expenses of the Applicant. From the above, it is clear that the mother of the Applicant is herself capable to maintain the Applicant. Inspite of the fact, the learned Family Court has granted Rs. 1500/- monthly maintenance in favour of the Applicant. As pleaded by the Applicant that the Respondent is getting Rs. 30,000/- from his business, but there is no evidence adduced by both the parties in this regard.
8. Considering the entire facts and circumstances of the case, in my opinion,

Rs. 1500/- as monthly maintenance granted by the Family Court is just and proper and requires no interference.

9. Consequently, the revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul