

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 792 of 2018**

Md. Sagir Qureshi S/o Shri Bafati Qureshi, aged about 38 years R/o Haaji Tent House, Main Road, Gandhi Chowk, Baloda, District Janjgir-Champa (C.G.)

----Applicant**Versus**

1. Ms. Tarmin Fatima, D/o Shri Mohammad Ali, R/o Q/No. 166, Ompur Colony SECL, Razgamaar, Korba, Distt. Korba (C.G.).
2. Lareb Qureshi, aged about 11 years S/o Md. Sagir Qureshi, minor through legal guardian his mother Tarmin Fatima, R/o Q/No: 166, Ompur Colony, SECL, Rzgamaar, Korba, Distt. Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Abhishek Pandey Advocate
For Respondent	:	Mr. M.K. Baeg, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****14/03/2019**

1. Heard on admission.
2. This revision has been preferred against order dated 29/09/2017 passed in MJC No. 13/2017, whereby the learned Family Court, Korba rejected the application submitted under Section 127 Cr.P.C by the Applicant.
3. There is no dispute on the point that Respondent No. 1 is legally wedded wife of Applicant and out of their wedlock, Respondent No. 2 got birth. There is also no dispute on the point that Respondents 1 & 2 are residing separately.
4. Vide impugned order dated 20/11/2015 passed in MJC No. 45/2014, monthly maintenance of Rs. 2000/- and Rs. 1000/- was granted in favour of

Respondent No. 1 and Respondent No. 2, respectively. Thereafter, the Applicant submitted an application under Section 127 of the Cr.P.C before the Family Court on the ground that presently Respondent No. 1 i.e. Wife is working as Advocate and getting Rs. 4-5 thousands monthly. Apart from this, she is also doing the work of tuition and from that work, she also earns Rs. 12-15 thousand monthly. Therefore, now she is capable to maintain herself as well as to Respondent No.2.

5. Vide impugned order dated 29/09/2017, the learned Family Court rejected the application of the Applicant on the ground that there is nothing on record which shows that Respondent No. 1 is working as Advocate or she is doing the work of tuition. Thus, this revision has been filed by the Applicant.
6. I have heard counsel for the parties and perused the records.
7. From the evidence adduced by the parties before the Family Court, it is well established that there is no documentary evidence or other evidence which shows that Respondent No. 1 is working as Advocate and getting some income and also she is working as tutor and getting some income. Therefore, the finding of the Family Court is based on the evidence available on record.
8. Consequently, the Revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge