

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.428 of 2015**

Domar Singh Vishwakarma, son of Bisahu Ram Vishwakarma, aged about 26 years, Caste Lohar, resident of Village Chinauri, Police Station and Tahsil Charama, District North Bastar Kanker, Chhattisgarh

---- Applicant

versus

1. Smt. Laxmi Bai, wife of Domar Singh Vishwakarma, aged about 23 years, Caste Lohar, resident of Village Chinauri, Current address Village Basanwahi, Kanker, Tahsil and Police Station Charama, District North Bastar Kanker, Chhattisgarh
2. Minor Yugal Kishore, son of Domar Singh Vishwakarma, aged about 4 years, Caste Lohar, Legal Guardian Mother Smt. Laxmi Bai, resident of Village Chinauri, Current address Village Basanwahi, Kanker, Tahsil and Police Station Charama, District North Bastar Kanker, Chhattisgarh

--- Respondents

For Applicant	:	Shri Vishnu Muni, Advocate
For Respondents	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

9.1.2019

1. This is an admitted revision and is listed for final hearing.
2. Vide the impugned order dated 18.3.2015 passed in M.Cr.C. No.29 of 2014, the Family Court, Kanker has granted monthly maintenance of Rs.900/- in favour of Respondent No.1 and that of Rs.700/- in favour of Respondent No.2, total Rs.1,600/-.
3. Learned Counsel appearing for the Applicant submitted that the Family Court did not appreciate the fact that Respondent No.1

herself left the house of the Applicant without there being any reasonable cause. The Family Court also failed to appreciate that a social divorce has taken place between the Applicant and Respondent No.1 according to their social customs. Therefore, Respondent No.1 is not entitled to get any maintenance from the Applicant. Learned Counsel further submitted that the Family Court also failed to appreciate that Respondent No.1 forcibly took Respondent No.2 with her on 19.5.2014, therefore, Respondent No.1 is not entitled to get any maintenance for Respondent No.2 also.

4. I have heard Learned Counsel appearing for the Applicant. None appeared for the Respondents though Vakalatnama is filed. I have also perused the record with due care.
5. It is not in dispute that Respondents No.1 and 2 are wife and son of the Applicant. From the record, it also reflects that it was the pleading of the Applicant himself that on 28.7.2013 a social divorce had taken place between him and Respondent No.1. According to the provisions contained in Section 125(1) Cr.P.C. a divorced wife is also entitled to get maintenance till she has not remarried. In the instant case, there is no evidence on record to show that after the divorce, Respondent No.1 has remarried. Therefore, she is entitled to get maintenance from the Applicant.
6. As regards Respondent No.2, it is not in dispute that he is son of the Applicant and Respondent No.1 and presently he is residing with Respondent No.1. He is a minor and is unable to maintain himself. Therefore, he is also entitled to get maintenance from the

Applicant. Therefore, the impugned order dated 18.3.2015 passed by the Family Court granting maintenance in favour of the Respondents is in accordance with law.

7. I do not find any merit in the revision. It is, therefore, dismissed.
8. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge