

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 406 of 2013**

Dinesh Kumar, aged about 28 years S/o Byas Ram, Caste Sahu R/o Village Ragja, Tahsil Thana Sakti, District Civil and Revenue Distt. Janjgir-Champa (C.G.)

----Applicant

Versus

1. Uttra Bai, aged about 24 years W/o Dinesh Kumar, Caste Sahu
 2. Vikram, aged about 1 ½ years S/o Dinesh Kumar, Minor, Through natural guardian mother Uttra Bai Sahu.
 3. Ku. Khushi, aged about 3 years, D/o Dinesh Kumar Sahu,
 4. Rahul, aged about 5 years S/o Dinesh Kumar Sahu,
- Respondents 3 & 4 Minor through natural guardian mother Uttra Bai Sahu W/o Dinesh Kumar Sahu,
All are R/o Village Ragja, Tahsil Thana Sakti, District Janjgir-Champa (C.G.) Present address Purunga, Thana Chhal, District Raigarh (C.G.)

---- Respondents

For Applicant	:	Mr. Ravish Verma, Advocate
For Respondents	:	Ms. Laxmin Kashyap, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

25/01/2019

1. This revision has been preferred against order dated 09/05/2013 passed by the learned Family Court, Camp Sakti, District Janjgir-Champa (C.G.) in MJC No. 13/2011, whereby the learned Family Court while allowing the application submitted under Section 125 of the Cr.P.C granted monthly maintenance of Rs. 2700/- in favour of Respondent/wife, Rs. 1800/- in favour of Respondent No.2, Rs. 1500/- in favour of Respondent No. 3 and Rs. 1000/- in favour of Respondent No. 4, total Rs. 7000/-. Thus, this revision has been filed by the Applicant/Husband.
2. Facts of the case are that an application under Section 125 Cr.P.C was filed by the Respondents, wherein it was pleaded that the marriage of the

Applicant and Respondent No. 1 was solemnized 6 years prior to submission of the said application. Due to their wedlock, Respondents 2 to 4 were borne. It was further pleaded that after marriage the Applicant and his family members started torture and gave ill treatment to Respondent No.1/Wife with malafide intention for satisfaction of their dowry demand. Subsequently, she left the house of the Applicant along with her children. She is unable to maintain herself as well as to her children. The Applicant/Husband has sufficient means to maintain the Respondents.

3. In his reply, the Applicant denied the averments made against him. It was pleaded by him that there was love relation of Respondent No. 1 with one person and after marriage also she was living adulterous life with that person, and due to that she herself left his house along with her children. It was further pleaded by the Applicant that without obtaining any divorce, Respondent No. 1 has performed second marriage with another person namely Ashok Kumar and is residing with him as his wife.
4. Respondent No. 1 examined herself as well as two other witnesses namely Hemlal and Vijay in her support. The Applicant/Husband examined himself only. After recording the evidence of both the parties and hearing their submissions, the learned Family Court granted monthly maintenance as mentioned in paragraph one of this order.
5. Counsel for the Applicant submits that since Respondent No. 1 is residing separately without any reasonable cause, therefore, she is not entitled to get any maintenance. There is sufficient evidence on record in this regard, therefore, the order of the Family Court is not in accordance with evidence available on record.
6. Counsel for the Respondents supported the impugned order and submitted

that on the basis of evidence available on record, the Family Court has rightly granted maintenance in favour of the Respondents.

7. On minute perusal of pleading of both the parties and evidence adduced by the parties, it makes clear that in his pleading the Applicant/ Husband has made certain allegation against Respondent No. 1 for her character. He also pleaded that Respondent No. 1 without taking divorce, has performed second marriage with another person namely Ashok Kumar, but in his Court statement, the Applicant/Husband has stated not a single word in this regard. Thus, from the record itself, it is clear that false allegation has been made by the Applicant against his wife. In these circumstances, Respondent No. 1 has sufficient cause to reside separately from his husband/Applicant. Therefore, the learned Family Court has rightly granted the maintenance in favour of Respondent No. 1 as well as Respondents 2 to 4.
8. With regard to quantum of maintenance, there is no dispute on the point that the Applicant is working as Assistant Grade-II in CSEB and was getting monthly salary of Rs. 16500/- at the relevant time. After all deductions, he was getting Rs. 13028/- in hand. Considering the above, the maintenance awarded by the Family Court is just and proper.
9. The Revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge