

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved On 14.08.2019****Order Delivered On 13 .11.2019****CRR No. 274 of 2017**

- Somnath Pavle S/o Shri Vidursai Palve, Aged About 44 Years Wrongly Mentioned As Pale In The Impugned Order Dtd. 30/11/2016 R/o Parsapara, Police Station Jainagar, District Surajpur, Chhattisgarh. Old Address Madanpur Injako, Tahsil Patthalgaon, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- Basanti Pale Aged About 41 Years R/o Mirjapur, Tahsil Patthalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rishi Rahul Soni, Adv.
For Respondents	:	Mr. Sanjay Agrawal, Adv.

Hon'ble Smt. Justice Rajani Dubey**C.A.V. Order****13.11.2019**

1. The applicant has preferred this revision against the order dated 30.11.2016, passed by Family Court, Jashpur (C.G.) in Miscellaneous Criminal Case No. 210/2015, whereby the learned Family Court allowed the application filed under Section 125 of the Cr.P.C. and directed the applicant/husband to pay maintenance of Rs. 2,500/- per month in favour of Respondent.

2. Before the Family Court, respondent (wife) had filed an application under Section 125 of Cr.P.C. with the averment that her marriage was solemnized before 15 years of the filing of the report i.e. 2011, and after marriage, they had been living together as husband and wife for 15 years. But since, no child was born

from their wedlock, the petitioner dropped the respondent to her maternal house and kept another woman as his wife. Further case of the respondent was that the petitioner earns Rs. 1,00,000/- per annum from agricultural land and Rs. 2,00,000/- by running cattle business. So, she demanded Rs. 5,000/- per month as maintenance.

3. Applicant (husband) herein in his reply, denied the allegations levelled against him and stated that respondent is not his legally married wife. The name of his wife is Ram Dulari and they have one male child namely Shubham Singh with them. The applicant (husband) herein is residing in his parental house since last 16 years and his marriage was never taken place with the respondent (wife).

4. Learned Family Court, after recording the evidence and submissions of both the parties, vide its order dated 30.11.2016, allowed the application of the applicant and granted maintenance in favour of respondent Rs. 2,500/- per month. Thus, this revision has been filed by the applicant (husband).

5. Counsel for the applicant submits that the impugned order dated 30.11.2016 of the Family Court is illegal, perverse and contrary to law, and this order was passed without proper appreciation of the material available on record. He further submits that the respondent is not the wife of petitioner. In Fact, the marriage of the petitioner/non-applicant took place with Ramdulari and under such circumstances, respondent is not entitled to receive maintenance.

6. On the other hand, supporting the impugned judgment, learned counsel for the respondent submits that the Court below was fully justified in awarding the maintenance.

7. Heard learned counsel for the parties and perused the

material on record including the impugned order.

8. Respondent (Wife) has filed residential certificate (Ex.P/2), voter list (Ex. P/4) and voter ID Card (Ex. P/5) before the Family Court which clearly established the fact that she was residing with the applicant. Learned trial Court has gone through the documents in detail and found that the applicant (husband) did not file any voter ID card or Voter list in respect of Ramdulari to substantiate his plea. The learned trial Court, relying on the documents, found that the respondent Basanti Pale is the real wife of applicant Somnath Pavle and granted maintenance in her favour. Thus, the finding of the Family Court is in accordance with law.

9. Looking to the facts and circumstances and the evidence filed by both the parties, it is clear that the order passed by the Family Court is just and proper and requires no interference by this Court.

10. Accordingly, this revision has no substance and it is liable to be and is hereby dismissed.

**Sd/-
(Rajani Dubey)
JUDGE**