

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 303 of 2014**

- Akshay Kumar Ramteke S/o Late D.P. Ramteke Aged About 42 Years R/o Station Para, Ward No. 11, Near Budh Gali, Rajnandgaon, Presently R/o Durgs Parte Bal Saramik Unmulan Project, Sationpara, Ward No. 8, Rajnandgaon, At Present R/o Bhudha Dev Ward, Korinbhata, Ps Basantpur, Rajnandgaon, Civil And Rev. Distt. Rajnandgaon C.G.

---- Applicant**Versus**

- Smt.Sandhya Sarita Ramteke W/o Akshay Kumar Ramteke Aged About 36 Years R/o Stationpara Ward No. 11, Inside Bhud Gali, Rajnandgaon, Tah. And Distt. Rajnandgaon C.G.,

---- Respondent

For Applicant	: Shri Malay Shrivastava, Advocate
For Respondent/State	: Shri Arvind Dubey, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****03/10/2019**

Present revision is filed against the order dated 21.03.2014 passed by the Judge Family Court, Rajnandgaon in M.Cr.C. No. 51/2011 whereby the application of the respondent has been allowed and Rs. 3,000/- per month has been awarded in addition to Rs. 500/- as litigation expenses.

2. Brief facts of the case are that marriage of the applicant and the respondent was solemnized as per Hindu rites on 24.11.2001 at Rajnandgaon. After marriage, the applicant and his family members used to harass the respondent for demand of dowry. It is stated that after nine years of marriage, the applicant left her and therefore she is residing separately at Bajrangpur Nawagaon and kept another lady as his wife. Respondent/wife is unable to maintain herself and therefore she prayed for enhancement of the maintenance amount to Rs. 5,000/- per month.

3. In his reply, the applicant has denied all the allegations as levelled against him and stated that the respondent/wife has left the company of the applicant voluntarily without there being any sufficient reason. He has stated that the respondent is working as *Angan baadi* worker at Ward No.11, Rajnandgaon and is earning Rs. 4,500/- per month therefore she is not entitled for any maintenance.

4. After hearing the parties and after appreciating the oral and documentary evidence, learned Family court has partly allowed the application filed by the respondent/wife and awarded Rs. 3,000/- per month as maintenance and Rs. 500/- as litigation expenses. Hence, this revision.

5. Counsel for the applicant submits that the order is arbitrary, illegal and contrary to law. He submits that the family court has failed to appreciate that the respondent is working as *Anganbaadi* worker and is earning Rs.4,500/- per month and therefore she is not entitled for any maintenance. He submits that the respondent/wife has left the company of the applicant only to attain job of *Anganbaadi* worker as it

is the prerequisite qualification for the said post that the candidate should be permanent resident of that ward. He submits that the order passed by the family court suffers from illegality and perversity therefore the impugned order is liable to be set aside.

6. On the other hand, counsel for the respondent/wife supported the impugned order.

7. Heard counsel for the parties and perused the material available on record.

8. It is not disputed before the Family Court that the applicant and respondent/wife are legally married husband and wife and they are living separately. Before the trial court respondent/wife examined herself as AW-1 and one Sheela Shende as AW-2. Applicant has examined himself as NAW-1 and filed three documents in support of his pleading from D-1 to D-3. Learned trial court has found that the respondent is living separately with sufficient reason and the applicant is working as Data Entry Operator. Respondent/wife is also working as *Anganbaadi* worker, therefore the learned trial court has partly allowed the appreciation and granted Rs. 3,000/- as maintenance per month. The order has been passed after proper appreciation of oral and documentary evidence. In these circumstances I find no illegality or irregularity in the order impugned directing the applicant to pay monthly maintenance of Rs. 3,000/- to the respondent/wife for the reason that it is the obligation of the husband to maintain his wife and he cannot refuse to maintain her by pleading that he is unable to do so due to financial constraints as long as he is capable of earning. Thus, this court finds no illegality in the

order impugned. The revision has no merits and the same is accordingly dismissed as motion stage.

Sd/-
(Rajani Dubey)
Judge

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