

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1157 of 2015**

Dhan Singh Rana, aged about 40 years S/o Rameshwar R/o Mahuabhatha,
Tahsil and District Nuapada (Odisha)

---- Applicant**Versus**

Digeshwari @ Padmini, aged about 37 years W/o Dhan Singh at present R/o.
House of Kartikram Chakradhari, Village Amakoni, P.S. Mahasamund Tahsil and
District Mahasamund (C.G.)

---- Respondent**AND****Criminal Revision No. 311 of 2016**

Digeshwari @ Padmini, aged about 37 years W/o Dhan Singh at present R/o.
House of Kartikram Chakradhari, Village Amakoni, Thana and Tahsil
Mahasamund, Civil and Revenue District Mahasamund (C.G.)

---- Applicant**Versus**

Dhan Singh Rana, aged about 40 years S/o Rameshwar R/o Mahuwabhatha,
Tahsil and District Nuapada, Civil & Revenue Distt. Nuapada (Odisha)

---- Respondent

For Applicant in CRR No. 1157/2015 :	Mr. Raghvendra Pradhan, Advocate
For Applicant in CRR No. 1157/2015 :	Mr. Sunil Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****30/01/2019**

1. Since both the revisions arise out of same order, therefore, they are being disposed of by this common order.
2. Vide impugned order dated 28/11/2015 passed in Miscellaneous Criminal Case No. 62/2015, the learned Family Court, Mahasamund

granted monthly maintenance of Rs. 2000/- in favour of Smt. Digeshwari, Applicant in CRR No. 311/2016 (henceforth 'the Wife').

3. CRR No. 1157/2015 has been preferred by the Applicant Dhan Singh (henceforth 'the Husband') on the ground that since the Wife is residing separately without any reasonable cause, therefore, she is not entitled to get maintenance. Apart from this, the Husband has no sufficient means to maintain his Wife, inspite of this fact, the Family Court has granted monthly maintenance of Rs. 2000 in favour of the Wife.
4. CRR No. 311/2016 has been filed by the Applicant Digeshwari for further enhancement of the maintenance amount.
5. There is no dispute on the point that the marriage between the parties was solemnized on 13/02/2005. It was pleaded by the Wife before the Family Court that after marriage some dispute arose between them and as a result, she is residing separately in her father's house. It was further pleaded by her that on 20/04/2013, the Husband performed second marriage and is residing with his second wife. She is unable to maintain herself and the Husband has sufficient means to maintain her.
6. In his reply, the Husband denied all the adverse allegations made against him and pleaded that the Wife herself left his house and is living separately without any reasonable cause. Therefore, she is not entitled to get any maintenance. It was further pleaded that he is working as labour and earns about Rs. 2000 to 3000 per month. His parents are also dependent on him.

7. Before the Family Court, the Wife examined herself as well as her father namely Kartik Ram. The Husband examined himself and one Sadadeen Rana. After recording the evidence and hearing the arguments of both the parties, the Family Court vide impugned order dated 28/11/2015 granted maintenance of Rs. 2000/- in favour of the Wife.
8. I have heard counsel for both the parties and perused the record.
9. Both Wife and her witness namely Kartik Ram have categorically stated that the Husband has performed second marriage and is residing with his second wife. Though, the Husband denied this fact in his Court statement, during cross-examination of Kartikram in para 10, a suggestion was made to this witness by the Husband that the lady with whom he performed second marriage is of his caste. Thus, it is clear that the Husband has performed second marriage, therefore, the finding of the Family Court is in accordance with law and evidence available on record.
10. With regard to quantum of maintenance, the Husband in para 10 of his Court statement admitted that he is working as labour and is getting Rs. 200/- per day. He also admitted the fact that at his village, there is 4 acres of agricultural land on his name and his grand father's name. However, the Wife has not produced any document with regard to any agricultural land.
11. Looking to the above and considering all the aspects of the matter, particularly that the parents of the Husband and his second wife are also dependent of him, therefore, the order of the Family Court

granting maintenance of Rs. 2000/- is just and proper and requires no interference.

12. Consequently, the revisions have no merit and the same are hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul