

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 853 of 2016

- Bahal Sahu S/o Sukhram Sahu Aged About 40 Years R/o Village Kanshitola, Police Station Gandai, Tahsil- Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. Smt. Kaushilya Bai W/o Bahal Sahu Aged About 37 Years At Present Residing At Village Devpura, Police Station Gandai, Tahsil- Chhuikhadan, District Rajnandgaon, Chhattisgarh., Chhattisgarh
2. Umesh Sahu S/o Bahal Sahu Aged About 14 Years Are Minor Represented Through Mother Kaushilya Bai, At Present Residing At Village Devpura, Police Station Gandai, Tahsil- Chhuikhadan, District Rajnandgaon, Chhattisgarh.
3. Ku. Rukmani Sahu D/o Bahal Sahu Aged About 12 Years Are Minor Represented Through Mother Kaushilya Bai, At Present Residing At Village Devpura, Police Station Gandai, Tahsil- Chhuikhadan, District Rajnandgaon, Chhattisgarh.
4. Ku. Jyoti Sahu D/o Bahal Sahu Aged About 9 Years Are Minor Represented Through Mother Kaushilya Bai, At Present Residing At Village Devpura, Police Station Gandai, Tahsil- Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Applicant	: Mr. Neeraj Pradhan, Advocate.
For Respondents	: None.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/03/2019

1. The matter is heard finally.

2. This revision has been preferred by the Applicant/Husband against order dated 06.04.2016 passed by the Family Court link at Kheragarh, District Rajnandgaon (C.G.), in Misc. Criminal Case No. 36/2016, whereby the Family Court has allowed the application filed by the Respondents under Section 125 of Cr.P.C. and granted monthly maintenance amount of Rs. 500/- in favour of Respondent No. 1/Wife and Rs. 300/- each in favour of Respondent No. 2 to 4.
3. In this case, this is an admitted fact that the Applicant is the husband of Respondent No. 1. There is also no dispute on the point that out of their wedlock Respondent No. 2 to 4 born and presently, all the Respondents are residing separately.
4. Learned Counsel for the Applicant submits that Respondent No. 1/Wife is residing separately without any reasonable cause, therefore, she is not entitled to get any maintenance. It is further submitted by him that since the applicant is a heart patient and is unable to do anything, therefore, he is unable to maintain the Respondents, but, in spite of this fact, the Family Court has granted monthly maintenance in favour of the Respondents.
5. I have heard learned Counsel appearing on behalf of the applicant and perused the impugned order.
6. From perusal of the impugned order, it is clear that the applicant himself admitted the fact before the Family Court that in the month of May 2014, he performed second marriage and presently he is residing with his second wife, therefore, this fact only is sufficient cause for Respondent No. 1 to reside separately. Respondent No. 2 to 4 are the minor children and are residing with Respondent No. 1/Mother. Respondent No. 1 has no proper mean to maintain herself as well as her children. From the admission made by the Applicant, it is clear that he owned 7

Dismil of land. Since, he is a heart patient thus, considering his above physical condition the monthly maintenance granted by the Family Court in favour of the Respondents, in my considered view, is just and proper.

7. Consequently, I do not find any merit in this case, the revision is dismissed on admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge