

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.715 of 2017

Phoolsingh Nirmalkar, aged about 58 years, S/o Late Gopal Nirmalkar,
R/o Village Butena, Police Station Hirri, Tahsil Bilha, Civil and
Revenue District Bilaspur, Chhattisgarh

---- Applicant

versus

1. Smt. Godawari Nirmalkar, aged about 55 years, W/o Phoolsingh Nirmalkar,
2. Ku. Rajeshwari Nirmalkar, aged about 16 years, D/o Phoolsingh Nirmalkar,
3. Rajesh Nirmalkar, aged about 14 years, S/o Phoolsingh Nirmalkar,

No.2 and 3 through Nest Friend Smt. Godawari Nirmalkar, aged about 55 years, W/o Phoolsingh Nirmalkar

All are R/o Village Mendra, Police Station Chakarbhatta, Tahsil Takhatpur, Civil and Revenue District Bilaspur, Chhattisgarh

--- Respondents

For Applicant	:	Shri Ratnesh Kumar Agrawal, Advocate
For Respondents	:	Shri Kapil Maini, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20.3.2019

1. Heard on admission. Also perused the record of the Family Court.
2. Admittedly, Respondent No.1 is legally wedded wife of the Applicant and Respondents No.2 and 3 are their legitimate children. Presently, the Respondents are residing separately from the Applicant. Vide the impugned order dated 10.5.2017 passed in M.J.C. No.93 of 2017, the Family Court, Bilaspur has allowed the application of the Respondents under Section 125 Cr.P.C. and granted total monthly maintenance of Rs.4,000/- in their favour.

3. The instant revision has been preferred only on the grounds that Respondent No.1/wife is residing separately from the Applicant without any reasonable cause and, therefore, she is not entitled to get any maintenance and that looking to the earning capacity of the Applicant, grant of total maintenance of Rs.4,000/- is on higher side.
4. From the evidence adduced by the parties, it is clear that the Applicant has made allegation against Respondent No.1/wife that she is leading an adulterous life, but he has not been able to prove this allegation before the Family Court. Therefore, this false allegation of the Applicant made against the wife is a sufficient cause for her to reside separately from him.
5. With regard to quantum of the maintenance, it is admitted that the Applicant is working in the Public Works Department and is getting monthly salary of Rs.9,000/-. Looking to the income of the Applicant, the grant of maintenance of total Rs.4,000/- per month to the Respondents is just and proper.
6. I do not find any good ground to interfere with the impugned order. The instant revision is, therefore, dismissed.
7. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge