

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2274 of 2019**

Shiv Prasad Agariya, Son of Sunder Ram, Aged about 40 years, Caste Agariya, Occupation Assitant Teacher, Grade 2, R/o Village Savitripur, Police Chowki Wadrafnagar, Police Station Basantpur, District Balrampur, Ramanujganj, Chhattisgarh.

---Petitioner**Versus**

1. Smt. Lalti @ Lalmani, Wife of Shiv Prasad, Aged about 35 years, R/o Village Savitripur, Police Chowki Wadrafnagar, Police Station Basantpur, District Balrampur, Ramanujganj, Chhattisgarh.
2. Ashish, S/o Shiv Prasad Agariya, Aged about 12 years.
3. Monika, D/o Shiv Prasad Agariya, Aged about 5 years.

Respondents No. 2 and 3, through its natural guardian mother Smt. Lalti @ Lalmani, Wife of Shiv Prasad Agariya, R/o Village Savitripur, Police Chowki Wadrafnagar, Police Station Basantpur, District Balrampur, Ramanujganj, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/10/2019**

1. In an application filed by the respondents herein under Section 125 of the Cr.P.C., learned trial Magistrate refused to grant maintenance to respondents No. 1 to 3 holding that respondent No. 1 is not the legally wedded wife of the petitioner but in the revision preferred by the respondents, maintenance of ₹ 7,000 /- has been granted to the

respondents collectively against which this petition under Section 482 of the Cr.P.C. has been preferred by the present petitioner.

2. Mr. Pushpendra Kumar Patel, learned counsel for the petitioner would submit that respondent No. 1 is not the legally wedded wife of the petitioner and therefore, he is not bound to maintain her and her children.
3. I have heard learned counsel for the petitioner at length.
4. The revision Court, after appreciating oral and documentary evidence available on record, clearly recorded a finding that respondent No. 1 is the legally wedded wife of the petitioner and respondents No. 2 and 3 are the son and daughter out of their wedlock. The aforesaid finding recorded by the revision Court is a finding of fact based on evidence on record which is neither perverse nor contrary to record. Learned counsel for the petitioner could not demonstrate any perversity in the said finding, moreover, the maintenance amount of ₹ 7,000 /- granted to the respondents cannot be held to be shockingly high warranting interference from this Court under Section 482 of the Cr.P.C. Thus, the impugned order is accordingly affirmed.
5. This criminal miscellaneous petition, being devoid of merits, deserves to be and is hereby dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge