

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1256 of 2018

Laxmi Narayan, aged about 30 years, S/o Shri Ramratan Kahra, R/o Janjgir, Ward No.13, Kahrapara, P.S. and Tahsil Janjgir, District Janjgir-Champa, Chhattisgarh

---- Applicant

versus

1. Smt. Anita, aged about 27 years, W/o Shri Laxmi Narayan Kahra, R/o Kahrapara, Ward No.13, Janjgir, presently R/o Karhi, P.S. Birra, Tahsil Jaijaipur, District Janjgir-Champa, Chhattisgarh
2. Anmol Kahra, aged about 6 years, son of Shri Laxmi Narayan Kahra,
3. Mushkan Kahra, aged about 5 years, daughter of Shri Laxmi Narayan Kahra,

Respondents No.2 and 3 are minors, through their natural guardian mother Smt. Anita, wife of Shri Laxmi Narayan Kahra, R/o Kahra Para, Ward No.13, Janjgir, presently residing at Birra, Tahsil Jaijaipur, District Janjgir-Champa, Chhattisgarh

--- Respondents

For Applicant	:	Ms. Laxmeen Kashyap, Advocate
For Respondents	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

2.1.2019

1. Heard Learned Counsel for the Applicant on admission. Perused the material available with due care.
2. The instant revision has been preferred by the husband against the order dated 26.10.2018 passed by the Family Court, Janjgir in M.Cr.C. No.44 of 2018, whereby the Family Court has allowed the application under Section 125 of the Code of Criminal Procedure and granted monthly maintenance of Rs.2,000/- in favour of Respondent No.1/wife, Rs.1,000/- in favour of Respondent

No.2/son and Rs.1,000/- in favour of Respondent No.3/daughter, total Rs.4,000/-.

3. In the instant revision, it has been urged on behalf of the Applicant that Respondent No.1/wife is residing separately from the Applicant/husband without any reasonable cause and, therefore, she is not entitled to get any maintenance and looking to the earning capacity of the Applicant the grant of monthly maintenance of total Rs.4,000/- in favour of the Respondents is on higher side and deserves to be reduced.
4. Perusal of paragraphs 18, 21, 22 and 23 of the impugned order of the Family Court reveals that the Applicant/husband used to beat Respondent No.1/wife. Social meetings had also taken place in this regards many times. In those meetings, the husband, submitting that he will treat the wife well, used to take her back with him, but even thereafter, he was beating her. On 7.1.2018 also, he beat her. Resultantly, the wife called police. Therefore, the finding of the Family Court that the wife is residing separately from the husband with reasonable cause is according to the evidence adduced by the parties.
5. As regards quantum of the maintenance, as pleaded by Respondent No.1/wife, the Applicant/husband owns 2 sumo and 1 tractor vehicles. It was also pleaded by her that the Applicant/husband has 14 acres of agricultural land which is registered in the name of his father. In his statement recorded before the Family Court, Dharamlal (NAW2), who was witness of the Applicant/husband, has admitted the fact that 2 sumo and 1

tractor vehicles are available in the family of the Applicant and father of the Applicant is a big farmer of the village. Taking into consideration the evidence available, I find that the grant of monthly maintenance of total Rs.4,000/- to the Respondents cannot be said to be on higher side and is thus held to be just and proper.

6. Consequently, I find no merit in the instant revision. It is, therefore, dismissed.

Sd/-
(**Arvind Singh Chandel**)
Judge