

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1271 of 2018**

1. Smt. Matilda Xalco W/o Jackson Lakda Aged About 21 Years D/o Antony Xalco, R/o Village- Dandazor, Post- Kansabael, Tahsil- Kansabel, District- Jashpur, Chhattisgarh.
2. Ishita Lakda D/o Jackson Lakda Aged About 1 Years R/o Village- Dandazor, Post- Kansabael, Tahsil- Kansabel, District- Jashpur, Chhattisgarh. Since Minor Through Mother Smt. Matilda Xalco Petitioner No.1 Herein., District : Jashpur, Chhattisgarh

---- Applicants**Versus**

- Shri Jackson Lakda S/o Andhirious Lakda Aged About 25 Years R/o Village- Dandazor, Post- Kansabael, Tahsil- Kansabel, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicants	: 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 against order dated 31.01.2018 passed by the Family Court Jashpur, District Jashpur (C.G.), in Misc. Criminal Case No. 143/2017, whereby the Family Court has dismissed the application filed by the applicants under Section 125 of Cr.P.C..
3. In this case, this is an admitted fact that no marriage has been taken place between Applicant No. 1 and the Respondent. In her statement recorded before the Family Court, Applicant No. 1 deposed that in the year 2013 her engagement was taken place

with the Respondent, thereafter, she is resided with him in his house for about 1 month. Later on, the Respondent refused to keep her and then she returned to her father's house. It was categorically stated by Applicant No. 1 that in the month of February 2017 Applicant No. 2 born. From the above statement of Applicant No. 1, it is established that no cohabitation has taken place between them after 2013. Since, in February 2017, Applicant No. 2 born, then it is not established that Applicant No. 2 is an illegitimate child of the Respondent. Though, as stated by Applicant No. 1, both were resided for about 1 month in live-in relationship, but father of Applicant No. 1 namely Antony Khalko has not supported the statement of the Applicant No. 1. He, in his statement has not stated anything in this regard. Apart from this Applicant No. 1 has not examined any of the witness in support of this contention. Therefore, both Applicant No. 1 and the Respondent resided together live-in relationship is also not established. Thus, the Family Court has rightly rejected application of the Applicants.

4. Consequently, the revision has no merit and the same is dismissed on admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge