

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1347 of 2018**

- Lalit Singh S/o Shri Vilasram Porte Aged About 42 Years R/o Quarter No. 107, block 14, Subhash Colony Domanhil, Chirmiri, Post Office Sonamani, District Koriya Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Savita Singh W/o Lalit Singh Aged About 32 Years R/o Quarter No. S.E. 595 C.S.P.G. C. L. , Colony Korba ,(East) Tahsil And District Korba Chhattisgarh.
2. Ku. Swarnika Singh D/o Shri Lalit Singh Aged About 4 Years Minor Through Natural Guardian Mother Smt. Savita Singh (Respondent No. 1)r/o Quarter No. S.E. 595 C.S.P.G.C.L. , Colony Korba,(East) Tahsil And District Korba Chhattisgarh.,
3. Ku. Ditya Singh D/o Shri Lalit Singh Aged About 1 Years Minor Through Natural Guardian Mother Smt. Savita Singh (Respondent No. 1)r/o Quarter No. S.E. 595 C.S.P.G.C.L. , Colony Korba,(East) Tahsil And District Korba Chhattisgarh.

---- Respondents

For Applicant	:	Mr. Atanu Ghosh, Adv.
For Respondents	:	Mr. Badal Lal Bharadwaj, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.07.2019**

1. This revision has been filed against the order dated 15.10.2018 passed by learned Family Court, Korba, District - Korba (C.G.) in MJC No. 02/2018 whereby the learned Family Court allowed the application filed under Section 125 of the Cr.P.C. and directed the applicant/husband herein to pay total maintenance of Rs. 5,000/- (Rs. 2,500/- each) in favour of Respondents No. 2 & 3
2. It is an admitted fact that applicant's marriage was solemnized with respondent No.1 on 14.04.2012 and out of their wedlock, respondents No. 2 & 3 were born.

3. Before the Family Court, respondent No. 1 had filed an application under Section 125 of Cr.P.C. for maintenance stating therein that she (respondent No.1/wife) was posted as Assistant Grade- III in Korba and residing at allotted quarter, Korba. Applicant (husband) resides at Domanhil Chirmiri and after marriage he used to meet respondent during holidays and Sunday. As a consequence of relation after marriage and frequent meeting, she got pregnant and during the pregnancy, respondent(wife) asked the applicant to take her to Chrmiri many a times, but he didn't do so. After so much insistence, applicant left respondent in his home at village Khutiya District Sarguja. Applicant has developed illicit relationship with another woman at Chirmiri, therefore, she is living separately with her children.
4. Applicant, in his reply, denied the allegation of respondents and added that respondent is living separately without any reasonable cause and does not want to live with the applicant. In spite of that, the applicant is ready to keep her with him. He further added that he was paying his children's fees from time to time.
5. Learned Family Court, after recording the evidence and submissions of both the parties, partly allowed the application of the respondent herein rejected claim of respondent No.1(wife) and granted maintenance in favour of respondents No. 2 & 3 as mentioned above in paragraph 1 of this order. Thus, this revision has been filed by the applicant (husband).
6. Counsel for the applicant submits that there is sufficient evidence available on record which shows that respondent No. 1 is residing separately without any reasonable cause. Applicant is ready to take the responsibilities of the children but respondent No. 1 is not handing over the custody of children to the application. Therefore, she is not entitled to get any maintenance. He further submits that learned Family court has not appreciated that respondent No. 1 is a Government employee and getting salary more than the applicant. Thus, she is able to maintain herself and her children and, therefore, no occasion arises to grant maintenance in favour of the respondents. Learned counsel

for the applicant added that respondent is making false allegation of illicit relationship of the present applicant, which has not been proved.

7. Supporting the impugned judgment, learned counsel for the respondents submits that the Court below was fully justified in awarding the maintenance.
8. Heard learned counsel for the parties and perused the material on record including the impugned order.
9. It is clear from the evidence of both the parties and the finding recorded in Para 13 of the impugned order that applicant is doing his job (Shiksha Karmi Grade-III) at Chirmiri and respondent No.-1 is posted in C.S.E.B, at Korba, and after 2016, applicant has stopped going to Korba to meet her. It also emerges from the evidence of both the parties that there is no substance in the argument of applicant that respondent No. 1 is residing separately without any reasonable cause. Thus, the finding of the Family Court is in accordance with law.
10. With regards to quantum of maintenance, the applicant himself has admitted that he is a teacher and getting Rs. 30,000/- per month as salary. Learned Trial Court pointed out that respondent No. 1 is a government employee and she is able to maintain herself but applicant is father of respondents No. 2 & 3 so, he is liable to maintain his children.
11. Considering to the facts and circumstances of the case and also considering the financial status of both the parties, earning capacity of the applicant, it is clear that the order passed by the Family Court is just and proper and requires no interference by this Court.
12. Accordingly, this revision has no substance and it is liable to be and is hereby dismissed.

Sd/-
(Rajani Dubey)
JUDGE