

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1318 of 2018**

- Satanand Verma S/o Late Nathuram Verma Aged About 47 Years R/o Adsena Tehsil Kharora District Raipur Chhattisgarh

---- Applicant**Versus**

1. Smt. Anjulata Verma W/o Satanand Verma Aged About 44 Years
2. Mayank Verma S/o Satanand Verma Aged About 18 Years
3. Ku. Kajal Verma D/o Satanand Verma Aged About 17 Years Through Legal Guardian Mother Smt. Anjulata Verma

Above respondents No.1 to 3 - R/o New Changorabhata, near Dr. Sahhu Clinic ,Ganpati Nagar Police Station D.D. Nagar Raipur Tehsil And District Raipur Chhattisgarh.

----Respondents

For Applicant	: Ms. Aditi Singhvi, Advocate
For Respondents	: Shri Pushkar Sinha, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****23.7.2019**

1. Heard on admission.
2. This revision is directed against the order dated 1.10.2018, passed by the First Additional Principle Judge, Family Court, Raipur(CG) in MJC No. 238/2012, whereby the Judge Family Court has granted monthly maintenance of Rs.6000/- to respondent No.1, Rs.4000/- to respondent No.2 and Rs.4000/- to respondent No.3, in all Rs.14,000/- on their application filed under Section 125 Cr.P.C.

3. Facts of the case are that respondent No.1 was married to the applicant on 11.5.1998 according to rituals and customs and respondent No.2 and respondent No.3 have born out of their wedlock. This fact is not in dispute. After marriage, respondent No.1(wife) was being treated with cruelty by the applicant. On 3.3.2012, the applicant brutally assaulted respondent No.1 and ousted her from the house, on which, she lodged a report against the applicant and his family members under Sections 498-A and 323 IPC and since then she is living separately along with her children. Respondent No.1 pleaded that she is housewife and has no source of income, therefore, she is unable to maintain herself and her children. The applicant is a govt. servant and having agricultural land also, therefore, she claimed Rs. 15,000/- as monthly maintenance from the applicant.
4. Denying the allegations, the applicant pleaded that respondent No.1 is suffering from mental disease and she is undergoing treatment in the Hospital of Dr. Prakash Narayan Shukla. He also pleaded that she is living in his house and a false FIR has been lodged against him.
5. Having considered the material on record, the learned Family Court granted maintenance of Rs.6000/- to respondent No.1 (wife), Rs.4000/- to respondent No.2(son) and Rs.4000/- to respondent No.3(daughter), in all Rs.14,000/- per month and that order is under challenge in this revision petition.

6. Learned counsel for the applicant submits that the Family Court has failed to appreciate the statements of the witnesses in its correct perspective, therefore, the finding is erroneous and perverse. The Family Court ought to have appreciated the financial position of the applicant and the fact that the respondents are living in the house of the applicant and he is bearing all living expenses of the respondents. She submits that apart from this, the applicant has to repay bank loan and premium of L.I.C. policy. Respondent No.1 is mentally ill and the applicant was getting her treated in the Hospital and she is residing separately without sufficient reason, therefore, the order dated 1.10.2018 passed by the Family Court is liable to be set aside.
7. On the other hand, learned counsel for the respondents supported the impugned order and submits that there is no illegality or infirmity in the order of maintenance granted in favour of the respondents looking to their status.
8. I have heard learned counsel for the parties and perused the order dated 1.10.2018.
9. The Family Court in para 8, 9, 10, 11 and 12 has discussed in details that the applicant was treating respondent No.1 (wife) with cruelty and he was arrested on the report of respondent No.1. The applicant has not produced any document with regard to mental illness of his wife (respondent No.1) nor he has examined any witness. Considering the facts and circumstances of the case and the documents on record, I am of the view that there is

sufficient reason for respondent No.1 to live separately from the applicant and she is living separately along with her children and the Family Court has rightly passed the order of maintenance in favour of the respondents, which cannot be said to be disproportionate or unreasonable looking to the present price index. The order passed by the Family Court does not suffer any irregularity or illegality and the same is not liable to be interfered with. Thus, the revision is dismissed at the motion stage itself.

10. Consequently, I.A.No.1/2018 for grant of stay is also dismissed.

Sd/

(Rajani Dubey)
JUDGE