

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 493 of 2019

- Santosh Kamal Sen, S/o Late Shree Narayan Sen, Aged About 35 Years, R/o Village-Bharvidhih, Post - Sarwandeori, Police-Station-Ratanpur, Tehsil Kota, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- Smt. Champabai, W/o Shri Santosh Kamal Sen, Aged About 30 Years, R/o - Village - Bharhidih, Ratanpur, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Pawan Shrivastava, Advocate.

For Respondent : Mr. Sunil Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/02/2020

Heard.

1. The petition has been brought challenging the order dated 27.2.2019 passed by the learned Family Court in MJC NO.431/2016 granting maintenance of Rs.2,500/- per month to the respondent which is to be paid by the applicant.
2. It is submitted that the income of the applicant was not proved before the Court below and that very clearly the applicant does not have the capacity to make payment of Rs.2,500/- per month for the reason that the applicant is a Daily Wages Laborer and he has no other sources of income. The applicant is a simple and landless laborer, therefore, it is prayed that revision petition be allowed and the impugned order be interfered with.
3. Learned counsel for respondent opposes the petition and submissions made in this respect. It is submitted that the learned Family Court has

held, that the applicant gets labor work above 15 to 20 days per month and for which he gets wages of Rs.200/- per day and there are documents to show that the father of respondent is a land owner, hence, on this basis it was ordered that applicant shall pay maintenance of Rs.2500/- to the respondent. Looking to the conclusion drawn by the Family Court, there is no need to interference, hence, this petition be rejected.

4. I have heard both the parties and perused the documents on record.
5. Perused the record of MJC No.431/2016 evidence has been laid by both the sides. According to the evidence present and the reasons assigned by the learned Family Court, I am of this view that the learned Family Court has not committed any error in holding that the applicant is capable to make payment to the respondent and accordingly on the basis of his income which is assessed in the impugned order and order of maintenance has been passed. Hence, it is found that the Family Court has exercised its jurisdiction properly and no error has been committed in passing the impugned order, hence, I am of this view that this petition is without any substance. Therefore, the petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha