

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Criminal Revision No. 619 of 2019

Mikish Prabhakar Lal S/o Prabhakar Sunil Aged About 30 Years R/o Padhar Back Side of Maharastra Bank District- Baitul, Madhya Pradesh.

---- Applicant

Versus

1. Sakshi Lal W/o Mikish Prabhakar Lal, Caste- Uraon, aged about 24 years, R/o Domanhil Staff Quarter P.S.- Chirmiri Chowki- Koriya, Chhattisgarh.
2. Mansou S/o Mikish Prabhakar Lal, Aged About 02 Month Minor Through Natural Guardian Mother Sakshilal R/o Domanhil Staff Quarter P.S.- Chirmiri, Chowki- Koriya, Chhattisgarh.

--- Respondents

For Appellant	:	Mr. A.N. Pandey, Advocate.
For Respondents	:	Mr. Vikash Pandey, Advocate.

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

05/03/2020

1. Heard on IA No.2/2020, application for early hearing of this case.
2. On due consideration, application for early hearing is allowed and with the consent of the parties, the revision petition is heard finally.
3. This revision petition is filed against the order dated 21.02.2019 passed by the learned Family Court, Baikunthpur, Distt. Koriya, Chhattisgarh in Mis. Cri. Case No.21/2018 thereby partly allowing the application filed by the respondent-wife under Section 125 of Cr.P.C and directing the applicant-husband to pay monthly maintenance of Rs.3,000/- to respondent No.2 (son).
4. It is submitted by the learned counsel for the applicant-father that the applicant is presently unemployed and, therefore, unable to make any payment for maintenance of respondent No.2. He further submits that respondent No.1, who is the wife of this applicant and mother of respondent No.2, is herself earning about Rs.20,000/- per month from

teaching job, therefore, it is also her burden to maintain respondent No.2, who is the child of both. Hence, the applicant be given relief by allowing this revision petition.

5. Learned counsel for the respondents submits that the learned Court below has not committed any error in the impugned order and correctly made an observation that this applicant being a Guitar teacher and an able bodied person, is under obligation to maintain his son ie, respondent No.2. Therefore, it is prayed that the revision petition be dismissed.
6. I have heard the learned counsel for the parties and perused the record.
7. Considering the above submissions, facts of this case and after perusing the materials available on record, I am of this view that the Court below has rightly fastened the liability upon the applicant-father to maintain his son ie respondent No.2, as there is no denial of the fact that the applicant is a qualified Guitar teacher and for the same, he had also been earlier employed in a school and that job he had left voluntarily, therefore, it is not so that he cannot find another employment or earn for himself and also to support respondent No.2. Hence, I do not find any reason to interfere with the impugned order.
8. Accordingly, this revision petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge