

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 260 of 2020

Order Reserved On : 09.02.2021

Order Delivered On : 15.03.2021

Naniram, S/o Monu Ram Nag, Aged About 26 Years, R/o Village-
Nainmur, Tahsil Tokapal, Police Station- Parpa, District- Bastar (C.G.)
(Non-applicant in the Trial Court).

--- Applicant

Versus

Smt. Nirbati, W/o Naniram, Aged About 24 Years, Udiyapal
Dengugudapara Bakawand Chowki, Bakawand, District- Bastar (C.G.)
(Original applicant in the Trial Court)

--- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent	:	Mr. Arjit Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

CAV ORDER

1. This revision petitions has been preferred against order dated 23.01.2020 passed by the learned Judge, Family Court, Bastar at Jagdalpur (C.G.) in Miscellaneous Judicial Case No. 73/2018, granting monthly maintenance of Rs. 2500/- to the respondent.
2. It is submitted by learned counsel for the applicant, that the impugned order is erroneous, which is liable to be set aside. It is further submitted that the applicant is labourer, whereas, the respondent herself works as labourer and earns equal to the applicant. The applicant has also responsibility to maintain his old aged parents, therefore, he has been unnecessarily

burdened by the order of maintenance passed by the Family Court. It is prayed that his version in the proceeding under Section 125 of the Cr.P.C. was not at all considered, hence, the impugned order suffers from infirmity, which may be set aside and this revision petition be allowed.

3. Learned counsel for the respondent opposes the submissions and submits that the learned Family Court has passed the order correctly, which needs no interference of this Court. It has been held that the respondent is unable to maintain herself, therefore, she has entitlement to receive maintenance from the applicant. Hence, this revision petition is without any substance, which may be dismissed.
4. Heard learned counsel for the parties and perused the documents place on record.
5. Considered on the submissions. On perusal of the records of the proceeding, it is found that there is no admission from the respondent side that she works as labourer and earns equal to the applicant. The applicant had stated in his statement that the respondent works in a grocery shop and she is getting monthly salary of Rs. 10,000/- whereas, the applicant is only getting Rs. 7000/- per month. The same is the statement of another non-applicant witnesses namely Bhursu, Prakash & Lachhin. The statement regarding earning of the respondent from the applicant side, is only on oral statement, which is not supported with any document and neither is a statement by any authentic

person, who can certify that the respondent has such earning.

6. The respondent in her cross-examination admitted that she earlier used to work in a grocery shop, for which, she was getting Rs. 2000/- per month, therefore, it can be said that the respondent has some capacity to earn for herself, but this alone would not be disentitle her to get maintenance from the applicant i.e. her husband, the amount which may be requisite and proper for her maintenance. The applicant had admitted clearly that he is getting Rs. 7000/- per month, therefore, the amount of maintenance ordered is not on higher side and the respondent is entitled for getting the maintenance, as it has been found established on the basis of the evidence present. Therefore, I am of this view that there is no substance present in this revision petition, which is liable to be dismissed.
7. Accordingly, the instant revision petition is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge