

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 451 of 2020

- Dr. Sanjay Gupta S/o Janardan Gupta Aged About 35 Years
Occupation- Doctor (RMO) Community Health Center
Bishrampur, P.S.- Bishrampur, R/o Village- Kenapara, P.S.-
Jainagar, District- Surajpur, Chhattisgarh. ---- **Applicant**

Versus

1. Smt. Suman Gupta, W/o Dr. Sanjay Gupta, Aged About 33 Years,
2. Komal Gupta, D/o Dr. Sanjay Gupta, Aged About 10 Years,
3. Shaurya Gupta, S/o Dr. Sanjay Gupta, Aged About 4 Years,

Respondent No.2&3 thorough natural guardian Mother
respondent No.1 Smt. Suman Gupta.

All are R/o Village- Bhithva, P.S.- Sitapur, District- Surguja,
Chhattisgarh. ---- **Respondents**

For Applicant : Shri Akath Kumar Yadav, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

15.12.2021

- 1) Heard on admission.
- 2) The Applicant has filed the present revision petition under Section 19 (4) of the Family Court Act challenging the order dated 28.02.2020 passed by Family Court, Ambikapur, District- Surguja (C.G.) in Miscellaneous Criminal Case No. 110/2017, whereby application under Section 125 of CrPC filed by the respondents has been partially allowed and directed the applicant to give Rs.1,000/- to respondent No.1 and Rs.3,000-3,000/- per month to respondent No. 2 & 3

each.

- 3) Learned counsel for the applicant submits that the Family Court has committed an illegality by allowing maintenance in favour of the respondents in view of the fact that the respondents are living separately from the applicant without any just and reasonable cause. Respondent No.1, wife of the applicant, as per Annexure A/5, has completed diploma course in Cosmetology & Aroma Therapy and she is running beauty parlour at Sitapur whereas the applicant has limited source of income, as per Annexure A/6, salary slip of the applicant, he is receiving Rs.17,604/- per month and has the responsibility of maintaining his old parents. In this circumstance, the impugned order passed by the Family Court may be set-aside.
- 4) Heard learned counsel for the applicant.
- 5) The family Court considering the pleadings of the respective parties, their socio-economic status, looking to the prima-facie allegations of ill-treatment by the applicant with respondents, which compelled the respondents for living separately, the source of income of the applicant disclosed by the respondent No.1 is about more than Rs. 18,000/-. It is admitted by the applicant that respondent No.1 is his legally wedded wife and out of their wedlock two children are born, the value of rupees in the present scenario and the price hike, the award of maintenance passed by family court at the rate of Rs. 1,000/- & 3,000-3,000/- total Rs. 7,000/- per month in favour of the respondents cannot be said unwarranted or excessive.
- 6) Consequently, looking to the nature of dispute between the parties, nature of allegations made against the applicant, source of income of the applicant, this Court finds no

illegality or perversity in the impugned order of the family Court warranting any interference. Accordingly, the revision petition being without any substance is hereby dismissed at motion stage.

**Sd/-
(Gautam Chourdiya)
Judge**

Nadim