

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 383 of 2021

- Manoj Kumar Chouhan, S/o Shri Shaniram Chouhan, Aged About 43 Years, R/o- Village Sarhar, Thana Baradwar, Tahsil Sakti, District- Janjgir-Champa (Chhattisgarh).

Present Address State Bank of India Branch Navapara (Rajim),
Post Office Navapara, District- Raipur, Chhattisgarh.

---- Applicant

Versus

1. Smt. Savitri Chouhan, W/o- Manoj Kumar Chouhan, Aged About 40 Years,
2. Minor Aman Kumar, S/o- Manoj Kumar Chouhan, Aged About 14 Years,
3. Minor Kumud Chouhan, D/o Manoj Kumar Chouhan, Aged About 12 Years, Natural Guardian Mother Smt. Savitri Chouhan, Wife of Manoj Kumar Chouhan, R/o. Qu.No. A-1229 Kaveri Block 2 N.T.P.C. Jamnipali, Tahsil Katghora, District- Korba, Chhattisgarh.

---- Respondents

For Applicant : Shri Vikas Pandey, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25.11.2021

- 1) Heard on admission.
- 2) The Applicant/husband has filed the present revision petition under Section 19 (4) of the Family Court Act challenging the order dated 19.03.2021 passed by the Judge, Family Court, Camp Road Katghora, District- Korba (C.G.) in Miscellaneous Criminal Case No. 55/2019, whereby maintenance at the rate of Rs. 5,000/- per month has been granted to respondent No.1/wife and Rs. 3,000/- per month to respondent No. 2 & 3 each.

- 3) As per averments in the application under Section 125 of CrPC filed by the respondents, respondent No.1 is wife of the applicant, her marriage with the applicant was solemnized on 24.04.2002 at village Sargbundiya and after marriage she was being ill-treated by the applicant physically and mentally. The applicant is a retired army man, he is habit of drinking liquor and after intoxication, he used to harass her. Respondent No.1/wife lived with him in Assam for one year where the applicant was posted and he used to harass and assault there also. Out of their wedlock two children were born, he did not spend any amount on delivery of the children and for medical treatments. After retirement, he received Rs. 18,00,000/- and he spent the entire amount in house construction for his brother and father. The applicant started new job after retirement at State Bank of India, Kanker, he took her wife and children there and they lived together in a rented house. During this period, the applicant was having relation with one Girija Dewangan. After this, the respondent No.1 alongwith her children went to her parental house.
- 4) 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, she is highly qualified lady whereas the applicant has limited source of income and has the responsibility of maintaining his old parents. In this circumstance the impugned order by the Family Court may be set-aside.
- 5) Heard learned counsel for the applicant.
- 6) 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.35,000/-, 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. 5,000/- & 3,000/- per month in favour of the respondents cannot be said unwarranted or excessive. This Court finds no illegality or perversity in the impugned order of the family Court warranting any interference.

- 7) Accordingly, the revision petition being without any substance is hereby dismissed at motion stage.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim