

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 196 of 2020

Order Reserved On : 15.02.2021

Order Delivered On : 15.03.2021

Shailendra Kumar Rangari, S/o Late Bhadru Rangari, Aged About 35 Years, Address- Laxmi Naidu House, Prince Colony Laxmi Nagar Raipur, Police Station- Tikrapara, Tahsil & District- Raipur (C.G.)
Present Address Now - Q.No. C-12, Purana Pension Bada, infront of Police Line, Raipur (C.G.)

--- Applicant

Versus

Smt. Vandana Rangari, W/o Mr. Shailendra Kumar Rangari, Aged About 28 Years, R/o Prince Colony, Pachpedi Naka, Laxmi Nagar, Raipur, Police Station - Tikrapara, Raipur (C.G.)
Present Address - C/o Mr. Yashwant Nagdev, House No. 45, Khusbu Vihar, Amleshwar, Pahanda Road, Tahsil- Patan, District- Durg (C.G.)

--- Respondent

AND

CRR No. 508 of 2020

Smt. Vandana Rangari, W/o Shri Shailendra Kumar Rangari, Aged About 27 Years, R/o- Prince Colony, Pachpedi Naka, Laxmi Nagar, Raipur, Thana- Tikrapara, Raipur (C.G.)
Present Address- Through father Shri Yashwant Nagdeo, House No. -45, Khushbu Vihar, Amleshwar, Pahanda Road, Tehsil- Patan, District- Durg (C.G.) Mo. No. 9827511278.

--- Applicant

Versus

Shailendra Kumar Rangari, S/o Late Shri Bhadru Rangari, Aged About 34 Years, Occupation- Policeman in CG Police Department, VIP Security Battalion, Mana Raipur, Present Address- House of Laxmi Naidu, Prince Colony, Laxmi Nagar, Raipur, Thana- Tikrapara, Tehsil & District- Raipur (C.G.)

--- Respondent

Mr. Raza Ali, Advocate for the applicant in CRR No. 196 of 2020 & for the respondent in CRR No. 508 of 2020.

Mr. Achyut Tiwari, Advocate for the respondent in CRR No. 196 of 2020 & for the applicant in CRR No. 508 of 2020.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

CAV ORDER

1. Since both the revision petitions arise out of the same judgment, they are being disposed of by this common order.
2. The applicant in CRR No. 196 of 2020 shall be referred to as applicant and the respondent in CRR No. 196 of 2020, shall be referred to as respondent in this common order.
3. These revision petitions have been preferred against order dated 28.12.2019 passed by the learned First Additional Principal Judge, Family Court, Raipur (C.G.) in Miscellaneous Judicial Case No. 485/2018, granting maintenance of Rs. 4000/- per month to the respondent- Vandana Rangari under Section 125 of the Cr.P.C.
4. The facts of the case, in brief, is this that, the applicant is husband and the respondent is his married wife, who are living now separately. The respondent filed an application under Section 125 of the Cr.P.C. before the learned Family Court praying for grant of maintenance. The application was opposed by the applicant side. The impugned order has been passed as mentioned hereinabove.

5. It is submitted by learned counsel for the applicant that the respondent is living separately without sufficient cause. The respondent had admitted in her cross-examination that she is holder of degree and that she is employed in private college named and styled as RTI College, Raipur as Assistant Librarian and getting salary of Rs. 5000/- per month. Hence, this shows that the respondent is capable to earn, therefore, the applicant should not have been burdened for the same by the impugned order. Reliance has been placed on the judgment of the Supreme Court in **Kusum Bhatia Vs. Sagar Sethi**, reported in **2019 LawSuit (SC) 1924** & on the judgment of High Court of Delhi in **Anjum Vs. Yunus Saleem**, reported in **2016 LawSuit (Del) 5259**.
6. It is submitted that the applicant had also proposed to have the respondent back for residing together, but the same has been denied by the respondent. The applicant is still ready to have the respondent back in his house hold and maintain her. It is on this basis, the prayer of the applicant is this, that this revision petition be allowed and the impugned order be set aside.
7. Learned counsel for the respondent, who is the applicant in CRR No. 508 of 2020, opposes the submissions and submits that the respondent had established good cause for living separate from the applicant in the evidence brought before the Court. Regarding admission made by the respondent about her income from employment, it is further submitted that the earning of the respondent is not sufficient to cover-up all her needs. This

revision petition has been filed on this ground that the applicant is in police service, who is earning of Rs. 50,000/- per month and he is also having other income from house rent, therefore, he is man of sufficient means. It is on this basis, it is prayed that the maintenance granted to the respondent by the learned Family Court be enhanced. Prayer has been made to dismiss CRR No. 196 of 2020.

8. Learned counsel for the applicant in CRR No. 196 of 2020 opposes the submissions on CRR No. 506 of 2020 and submits that the prayer made in CRR No. 506 of 2020, is not maintainable. The respondent has remedy available to file application under Section 127 of the Cr.P.C. Hence, the revision petition of the respondent (CRR No. 506 of 2020) be dismissed and the revision petition of the applicant (CRR No. 196 of 2020), be allowed.
9. Heard learned counsel for the parties and perused the documents place on record.
10. Considered on the submissions. After perusal of the record of the Family Court and the evidence of the parties present in it, I am of this view, that the learned Family Court has not committed any error in drawing conclusion, that the respondent has sufficient reason for separate living and that the applicant is liable to pay maintenance. As regard the ground for enhancement in the maintenance as ordered by the Family Court, I am of this view that the respondent herself has earning capacity, therefore, she

has some income to meet her needs, therefore, I am of this view that there is no need for interference of this Court in the impugned order on the basis of either revision petition. Therefore, both the revision petitions are liable to be dismissed.

11. Accordingly, both the revision petitions are dismissed.

**Sd/-
(Rajendra Chandra Singh Samant)
Judge**