

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 688 of 2021

1. Sunilchandra Yadu S/o Ramswaroop Yadu, Aged About 37 Years, (At Present Aged About 42 Years), R/o Plot No. A/16, Century Cement Colony, Pt. Deendayal Upadhyay Nagar, Dangania, Raipur District Raipur (C.G.), Present Address Block No. B5/12 Chouhan Green Valley, In Front Of Sankracharya Collage, Khamhariya, Road, Junvani Bhiali, Tahsil And District Durg (C.G.).

---- Petitioner

Versus

1. Smt. Madhavi Yadu W/o Sunilchandra Yadu, Aged About 27 Years (At Present Aged About 32 Years),
2. Namya Yadu D/o Sunilchandra Yadu, Aged About 2.6 Years (At Present Aged About 7 Years) Minor Through Legal Representative Of Her Mother Smt. Madhavi Yadu W/o Sunilchandra Yadu,

Both are R/o C/o Kirtan Lal Yadav, Golbazar, In Front Of Gol Office, Ward No. 25, Tahsil And District Rajnandgaon (C.G.)

---- Respondents

For Petitioner	: Mr. Rajbahadur Singh, Advocate.
For Respondents	: Mr. Yogesh C. Pandey.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

29/11/2021

- 1) Heard on admission.
- 2) The instant revision has been filed under Section 19(4) of the Family Court Act against the order dated 27/07/2021 passed by the Family Court, Rajnandgaon, District Rajnandgaon (C.G.) in Miscellaneous Criminal Case No. 56/2016 whereby respondent No. 1 has been granted maintenance @ Rs. 5,000/- per month and respondent No. 2 @ Rs. 2,000/- from the date of order.
- 3) Learned counsel for the petitioner submits that the Court below was not justified in granting maintenance to the respondents in

view of the material available on record. In fact the respondent No. 1 alongwith respondent No. 2 is living separately from the petitioner without any just and reasonable cause. Petitioner has filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights which was allowed vide judgment dated 05/01/2019, against which respondent No. 1 has filed an appeal before this Court i.e. FAM No. 142/2019 which is pending and thus it is apparent that she does not want to live with the petitioner of her own will. Respondent No. 1 is an educated lady and earning Rs. 25,000/- per month by running Grocery and Fancy Store of her father whereas the petitioner is unemployed person having no source of income. In these circumstances the impugned order is liable to be set aside.

- 4) On the other hand learned counsel for the respondents supports the impugned order.
- 5) Heard.
- 6) The Family Court in para 10 of the impugned order has observed that respondent No. 1 Smt. Madhavi Yadu has stated on oath in her affidavit that 3-4 days after she went to her matrimonial home, she was treated with cruelty by the petitioner, his parents and sister in connection with demand of dowry and saying that the articles given in marriage by her father are of inferior quality, she has further stated that the petitioner and his parents and sister used to abuse her filthily and beat her brutally, which was complained by her to the Police, on which report was registered and after investigation charge sheet was filed against them. The aforesaid evidence of respondent No. 1 has been corroborated by PW-02 P.N. Yadu.
- 7) Considering the entire facts and circumstances of the case, the nature of allegations made against the petitioner, the socio and economic status of the parties, the fact that the respondent No. 2 is 7 years old daughter of the petitioner, the fact that nothing has been produced by the petitioner to show the income of the respondent No. 1, the present day inflation, the expenses to be

incurred on the maintenance of the respondents including the education of respondent No. 2, this Court finds no illegality or perversity in the impugned order granting maintenance @ Rs. 5,000/- per month in favour of respondent No. 1 and @ Rs. 2,000/- per month in favour of respondent No. 2.

- 8) Accordingly, the revision petition being without any substance is liable to be dismissed at the admission stage itself and is **dismissed** as such.

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

Chandrakant