

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 819 of 2021**

1. Benlal Dewangan, S/o Shri Basawan Dewangan, aged about 55 Years,
2. Vimal Dewangan (wrongly mentioned the name of the respondent No.2 as Bimal in the impugned order), S/o Shri Basawan Dewangan, aged about 50 Years,

Both are R/o Village Chhadiya, Post and Police Station Kharora, District Raipur, Chhattisgarh.

----Applicants

Versus

1. Shri Basawan Dewangan, S/o Late Uderam Dewangan, aged about 76 Years,
2. Smt. Neerabai Dewangan, W/o Shri Basawan Dewangan, aged about 71 Years,

Both are R/o Village Chhadiya, Post and Police Station Kharora, District Raipur, Chhattisgarh.

3. Deepchand Dewan, S/o Shri Basawan Dewangan, aged about 35 Years, R/o Village Chhadiya, Post and Police Station Kharora, District Raipur, Chhattisgarh.

---- Respondents

For Applicants Shri Shivendu Pandya, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/11/2021

Heard on admission.

1. The present revision petition under Section 19(4) of the Family Court Act has been filed against the order dated 05.02.2020 passed by the First Additional Principal Judge, Family Court, Raipur, District Raipur, C.G., in MJC No.629/2019 whereby the application under Section 125 of Cr.P.C. filed by the respondents No. 1 & 2 has been allowed and the applicants and respondent No.3 have been directed to pay a sum

of Rs.1,500/- each i.e. total Rs. 4,500/- per month as maintenance to respondent No.1 and likewise, pay Rs.1,500/- each i.e. Rs.4,500/- per month as maintenance to respondent No.2 from the date of the order.

2. It is not in dispute that the applicants and respondent No.3 are the sons of respondents No. 1 & 2.
3. Learned counsel for the applicants submits that the impugned order has been passed ignoring the pleadings of the applicants and the evidenced adduced by them. The applicants have their own family and they have limited source of income. Even otherwise, the amount awarded by the Family Court is very much on the higher side. Therefore, considering the socio-economic condition of the applicants, the impugned order is liable to be set aside.
4. I have learned counsel for the applicants and perused the material available on record.
5. Looking to the entire facts and circumstances of the case as mentioned in the detailed impugned order passed by the Family Court after due appreciation of the entire evidence in paras 11 to 13, the fact that the respondents No.1 & 2 are old persons of 76 & 71 years, not in a position to maintain themselves, it is an admitted fact that the present applicants and respondent No.3 are sons of respondents No. 1 & 2, the income of the applicants and respondent No.3, the Court below after giving reasonable opportunity of hearing to the parties has awarded a sum of Rs.4,500/- per month in favour of respondents No. 1 & 2 each. This Court finds no illegality or perversity in the findings recorded by the Court below and the amount granted in favour of the

respondent Nos. 1 & 2 appears to be just and reasonable requiring no interference by this Court.

6. Accordingly, the present revision petition being without any substance is dismissed at the admission stage itself.

Sd/-
Gautam Chourdiya
Judge

Akhilesh