

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 938 of 2021

- Tarun Sahu, S/o Ramdayal Sahu, Aged About 34 Years, Occupation Teacher R/o Ganjpara, Near Krishi Upaj Mandi, Balod, Tahsil & District- Balod, Chhattisgarh. ---- **Applicant**

Versus

- Anamika Sahu, W/o Tarun Sahu, Aged About 33 Years, Occupation- House Wife, R/o Gujratipara, Behind Railway Hospital, Raigarh Tahsil and District- Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Shri Deepak Jain, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14.12.2021

- 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 15.09.2021 passed by the Judge, Family Court, Raigarh (C.G.) in Miscellaneous Criminal Case No. F-67/2019, whereby maintenance at the rate of Rs. 6,000/- per month has been granted in favour of the respondent/wife.
- 3) Learned counsel for the applicant submits that the Family Court has committed an illegality by allowing maintenance in favour of the respondent in view of the fact that the respondent is living separately from the applicant without any just and reasonable cause. 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.
- 4) Heard learned counsel for the applicant.

- 5) The family Court considering the pleadings of the respective parties, it is admitted that respondent is legally wedded wife of the applicant, he accepted in his cross-examination in para-19 or the impugned order that she is living separately for about 2.5 from him. During this period, he was not maintaining her. It was also admitted from the applicant that one report regarding dowry demand and harassment was lodged by the respondent/wife in City Kotwali police station Raigarh.
- 6) Considering the facts and circumstance of the case, the socio-economic status of the applicant, looking to the prima-facie allegations of ill-treatment by the applicant with respondent, regarding her disease and demand of dowry, which compelled the respondent for living separately, the source of income of the applicant disclosed by the respondent is about 39,000/-, 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. 6,000/- per month in favour of the respondent 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