

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 939 of 2021

- Abdul Razik, S/o Abdul Samad, Aged About 35 Years, Presently Residing At Village - Quarter No.07, Sadak No.14, House No.15, Bhilai Tehsil/District – Durg, Chhattisgarh.

---- Applicant

Versus

- Deeba Farheen, W/o Abdul Razik, Aged About 26 Years, R/o Sant Ravidas Nagar, Ward - Bhatapara, District - Balodabazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Rahul Tamaskar, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13.12.2021

- 1) Heard on admission.
- 2) The applicant has preferred this criminal revision under Section 19 (4) of Family Courts Act read with Section 397 and Section 401 of CrPC against the order dated 12.10.2021 passed by the learned Judge, Family Court, Balodabazar, District- Balodabazar-Bhatapara (C.G.) in M.J.C No. 103/2019 whereby maintenance award u/s 125 of CrPC has been granted in favour of the respondent/wife at the rate of Rs. 5,000/- per month.
- 3) Learned counsel for the applicant submits that the Family Court without proper appreciation of the material placed before it, wrongly granted maintenance of Rs.5,000/- in favour of the respondent which is very much on the higher

side. The respondent is residing separately from the applicant without any just and reasonable cause and further that she is fully capable of maintaining herself. Since the applicant was arrested from his working place, he lost his job and presently he is unemployed, therefore, the impugned order is liable to be set aside.

- 4) Heard learned counsel for the applicant.
- 5) The applicant in para 37 of his cross-examination has admitted that he was working in multinational company at Hyderabad as Senior Software Engineer. Further, in para-47 he submits that he often visit private college at Bhilai for providing training, therefore, it is obvious that he is getting wages for the said work.
- 6) Considering the facts and circumstances of the case, the fact that the respondent is the legally wedded wife of the applicant, the income of the applicant, the fact that there is nothing on record to show that the respondent is having any source of income, the socio-economic status of the parties, the value of rupee in the present day, this Court finds no illegality or perversity in the findings recorded by the Family Court granting maintenance of Rs.5,000/- per month in favour of the respondent.
- 7) Consequently, the revision petition being devoid of any substance is liable to be dismissed at the admission stage itself and is, accordingly, dismissed.

Sd/-
(Gautam Chourdiya)
Judge