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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.633 of 2007

APPLICANT/:
(Non-applicant)

Ranjeet Singh, S/o Baijnath Singh,
aged 32 years, resident of Janjgir,
behind P.H.C., Police Station & District
Janjgir 'Chhattisgarh'.

Versus

NON-APPLICANTS/:
(Applicants)

1. Smt. Vandana Singh, W/o Ranjeet Singh, aged 25 years,
2. Ku. Shefali, D/o Ranjeet Singh, aged 10 years,
3. Ku. Vaishali, D/o Ranjeet Singh, aged 9 years,

No.1 & 2 'MINOR', through guardian
mother Smt. Vandana Singh N.A.No.1.

All resident of Moti Sagar Paara Korba,
Thana Kotwali, District Korba
'Chhattisgarh'.

{Criminal revision under Section 19 sub-section (4) of the Family Courts Act
read with Section 397 of the Code of Criminal Procedure, 1973}

Present:

Mr. R.N. Jha, counsel for the applicant.

Mr. Sanjay Patel, counsel for the non-applicants.

Single Bench: Hon'ble Mr. T.P. Sharma, J

ORAL ORDER
(31-3-2011)

1. By this revision under Section 19 (4) of the Family Courts Act, the applicant has challenged legality and propriety of the order dated 19-6-2007 passed by the Judge, Family Court, Korba in Criminal MJC No.63/2007 whereby learned Judge, Family Court has awarded maintenance of Rs.500/- per month to each of the non-applicants i.e. wife & children of the applicant, under Section 125 of the CrPC.
2. I have heard learned counsel for the parties, perused the order impugned and record of the Family Court.
3. Evidence of the parties and the order impugned reveals that non-applicant No.1 is wife of the applicant and non-applicants No.2 & 3 are daughters of the applicant. The applicant is under obligation to pay

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maintenance to non-applicants No.2 & 3 and non-applicants No.2 & 3 are not under obligation to prove the fact that why they are living separately.

4. As regards the question of separate living of non-applicant No.1 and claim of maintenance, non-applicant No.1 was under obligation to prove the fact that she is living separately from her husband under just and reasonable cause. Para 7 of evidence of Ranjeet Singh – the applicant herein, reveals that after compromise in the Lok Adalat he was residing with his wife & children, thereafter, as a result of quarrel, he left his wife and took his both children with him and started paying maintenance of Rs.500/- per month to non-applicant No.1. This evidence is sufficient to establish the fact that non-applicant No.1 is residing separately under just and reasonable cause and the applicant has neglected her.
5. After considering the material produced on behalf of the parties, the Family Court has awarded maintenance of Rs.500/- per month to each of the non-applicants. Considering the present cost of living and price index, the amount of award is not excessive requiring any interference. Consequently, the revision is dismissed.
6. I.A.No.2/2007 stands disposed of.

Soma

Sd/-
T. P. Sharma
Judge