







## IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

CRIMINAL REVISION NO. 582 /2011

CA No.

**APPLICANT** 

Doman Singh Rajput, S/o Dilip Singh Rajput,

Aged about 24 years; R/o Village - Manatuta, P.

S. Abhanpur, Post - Abhanpur, District-Raipur

Presented by Shrt P Minhalms (C.G.)

#### **VERSUS**

RESPONDENT

Smt. Shraddha Rajput, W/o Doman Singh Rajput,

Aged about 22 years; Presently R/o Village -

Jangalpur, P. S. Gandai, Tehsil - Chhuikhadan,

District-Rajnandgaon (C.G.)

CRIMINAL REVISION UNDER SECTION 19 (4) OF THE FAMILY
COURTS ACT, 1984



# (3)

#### HIGH COURT OF CHHATTISGARH: BILASPUR

#### S.B.: HON'BLE SHRI MANINDRA MOHAN SHRIVASTAVA,J.

#### Cr.Rev. No.582/2011

**APPLICANT** 

Doman Singh Rajput

Versus

RESPONDENT

Smt. Shradha Rajput

(Revision u/S 19 (4) of the Family Court Act)

#### Appearance:

Ms. Farah Minhaj, counsel for the applicant.

Mr. Kshitij Sharma, counsel for the respondent with respondent-Smt. Shraddha Rajput.

### ORAL- ORDER

(Passed on 29.2.2012)

- Learned counsel for the applicant submits that the applicant is not present in the Court.
- 2. With the consent of learned counsel for the parties, the matter is heard finally.
- 3. This revision has been filed by the applicant being aggrieved by the order dated 4th July, 2011 passed by the Family Court, Rajnandgaon, whereby, an amount of Rs.2500/- pm. has been awarded in favour of the respondent.
- 4. On application under Section 125 Cr.P.C. filed by the respondent alleging that the applicant is neglecting to maintain her, whereas





she is not able to maintain herself, proceedings were initiated. After granting the parties an opportunity to lead evidence, the learned Family Court awarded Rs.2500/ pm. in favour of the respondent. It is this order which is under challenge in this revision.

- 5. Learned counsel for the applicants raised twofold contention to assail the legality of the order. The 1st submission is that as far as the finding regarding inability of wife to maintain herself is concerned, the same has been recorded by the Court without considering specific evidence available on record that the wife is also engaged in earning and she has been earning Rs.3000-4000/- per month, as deposed by the applicant. Learned counsel for the applicant submits that this specific statement on affidavit was ignored by the Court while recording a finding with regard to inability of the wife to maintain herself. The second submission is that looking to the evidence which has come on record and the meager amount of income of the applicant, award of Rs.2500/- as maintenance on monthly basis to respondent, is exorbitant and on higher side.
- 6. On the other hand, learned counsel for the respondent supported the order passed by the Family Court.
- 7. In order to come to the conclusion that the respondent is unable to maintain herself, the learned Family Court has taken into consideration testimony of the wife herself. The applicant though has stated in his affidavit that his wife is earning Rs.3000





to 4000/- per month, the employer of the respondent wife has not been examined, nor any other certificate of employment or any independent evidence in support of such contention has been examined to prove the same. Therefore, on that count, I am not inclined to interfere. The second contention of learned counsel for the applicant that amount of Rs.2500/- per month is on higher side, also does not appear to be correct, because, the applicant in his cross-examination has admitted that he owns kirana shop as also a motorcycle repair shop and he himself has stated that his per day income is Rs. 150 to 200/-. Evidence has also come that an affluent family. Therefore, belongs to circumstances, it is difficult for this Court to hold that the award of maintenance to respondent is so exorbitant to warrant interference by this Court in exercise of its revisional jurisdiction.

- The petition has no merit. The same deserves to be dismissed and is accordingly dismissed.
- 9. The records of the Court below be remitted forthwith.

Sd/-Manindra Mohan Shrivastava Iudge

Praveen