

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 623 of 2019**

- Prashant Tamrakar S/o Shri Santosh Kumar Tamrakar, aged about 40 years R/o House No. 39/591, Chhattisgarh Nagar, Tikrapara, P.S. Tikrapara Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Applicant

**Versus**

1. Smt. Monika Tamrakar, aged about 32 years, W/o Prashant Tamrakar,
2. Samarth Tamrakar, aged about 6 years S/o Sghri Prashant Tamrakar, (respondent No. 2 being minor through guardian mother Smt.Monika Tamrakar)

Above both the non-applicants are resident of House No. 19, Harshit Nagar, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Respondents

---

For Applicant	:	Mr. Hariom Roy, Adv.
For Respondents	:	Mr. Rajesh Kesharwani, Adv.

---

**Hon'ble Smt. Justice Rajani Dubey****Order on Board****30.09.2019**

1. Heard on admission.
2. This revision has been filed against the order dated 18.02.2019 passed by learned First Additional Principal Judge, Family Court, Raipur, District Raipur (C.G.) passed in M.J.C. No. 132/2017 whereby the learned Family Court allowed the application filed under Section 125 of the Cr.P.C. by the respondents and directed the applicant/husband to pay maintenance of Rs. 7,000/- per month (Rs. 1,000/- to respondent No.-1/wife & Rs. 6,000/- to respondent No.-2/son) in favour of Respondents.
3. It is an admitted fact that applicant's marriage was solemnized with respondent No.1 on 28.06.2009 and out of their wedlock respondent No. 2 was born.

4. Before the Family Court, respondent No.-1 had filed an application under Section 125 of Cr.P.C. with the averment that soon after the marriage, the applicant started committing cruelty. He tortured her both physically and mentally due to that, respondent started living separately. Respondent No. 1 is working as librarian at Government Higher Secondary School, Bhatapara, District Dhamtari and earns Rs. 14,000/- per month. On the other hand, applicant is working as an Officer in Apex Bank and his salary is about 50,000/- per month and except that he has agricultural land from which he earns Rs. 80,000/- per month, therefore, respondent demanded Rs. 30,000/- per month as maintenance.

5. Applicant, in his reply, denied the allegations levelled against him and submitted that after marriage, respondent's behavior was very cruel. He also denied the amount of salary as stated by respondent and submitted that he earns only about Rs. 22,000/- per month and respondent earns Rs. 14,000/- per month, therefore respondent No. 1 is not entitled for any maintenance.

6. Learned Family Court, after recording the evidence and submissions of both the parties, vide its order dated 18.02.2019, allowed the application of the applicant and granted maintenance to the respondents as mentioned in paragraph 1 of this order. Thus, this revision has been filed by the applicant.

7. Counsel for the applicant submits that the trial Court has failed to appreciate that the respondent No.-1 is a government employee and getting salary from the department, therefore it can not be said that she is unable to maintain herself. The learned trial Court in its interim order given finding that respondent No. 1 is able to maintain herself as she is government employee but in final order this fact was overlooked by learned trial Court, therefore, the impugned order is liable to be set-aside in respect of respondent No. 1.

8. On the other hand, learned counsel for the respondent supported the impugned order.

9. Heard learned counsel for the parties and perused the material on record, including the impugned order, minutely.

10. It is not disputed before learned family Court that respondent No.-1 is legally wedded wife of petitioner and respondent No-2 is their son. It is also not disputed before the learned trial Court that respondent No.-1 is working as librarian at Government Higher Secondary School and petitioner is working in a Bank.

11. Before trial Court Respondent No. 1 examined herself as AW-1 and the applicant (husband) also examined himself as NAW- 1 and in support of his argument both the parties have filed several documents. Learned trial Court, after appreciating oral and documentary evidence finds that respondent has sufficient cause to reside separately. Respondent No. 1 earns Rs. 14,623/- per month as her salary but even after the order of trial Court, applicant did not file any salary slip before the trial Court and learned trial Court granted Rs. 1,000/- in favour of respondent No. 1 and Rs. 6,000/- in favour of respondent No. 2 as maintenance. Thus, learned Court below has not committed any illegality or infirmity in awarding the maintenance in favour of respondents, order dated 18.02.2019 passed by the Court below being fully justified, do not call for any interference in revision petition.

12. Accordingly, this revision has no substance and it is liable to be and is hereby dismissed at motion stage itself.

**Sd/-**  
**(Rajani Dubey)**  
**JUDGE**

Vijay Sahu