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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 436 of 2021

Mohd. Halim S/o Taj Mohammad Aged About 40 Years R/o Village Revtipur,
Post Dolangi, Police Station Ramchandrapur District Balrampur Chhattisgarh
... **Applicant**

versus

1. Smt. Jarina Begam W/o Mohd. Halim, Aged About 35 Years R/o Village Palma, Post Chandramedha, Chowki Chendra Police Station Jhilmili District Surajpur Chhattisgarh
2. Tousif Raja S/o Mohd. Halim Aged About 10 Years Minor Through Natural Guardian Mother Smt. Jarina Begam, R/o Village Palma, Post Chandramedha, Chowki Chendra Police Station Jhilmili District Surajpur Chhattisgarh

... **Respondent(s)**

For Applicant : Mr. Sanjeev Verma, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

08.07.2025

1. This criminal revision has been filed by the applicant being aggrieved with the impugned order dated 03.12.2020 passed by the learned Family Court, Surajpur, District – Surajpur (C.G.) in Misc. Criminal Case No.323/2019, whereby the learned Family Court has partly allowed the application of the respondents filed under Section 125 of Cr.P.C. and it is



directed to the applicant/husband that he pay of Rs. 5,000/- per month to the respondent No.1/wife and Rs. 8,000/- per month to respondent No.2/son (he will be entitled to received the said maintenance amount only until he attains adulthood), from the date of order.

2. The brief facts of the case is that the respondent No. 1 is wife of present applicant and respondent No. 2 is the son of the applicant had filed an application under Section 125 of Code of Criminal Procedure before the learned Family Court on 27.09.2012, in which it was mentioned that in the year 2001 the marriage was performed in between the parties according to Muslim custom prevalent in between the parties. It is further mentioned that after some days of the marriage the respondent No. 1 is ill treated by the present applicant and also harassed for demanding dowry and thereby ousted her from his and on 19.07.2012, the present applicant sent through a registered post copy of talakanama and taken the divorce from her, but till date no amount of maintenance has been given by the present applicant to the respondents, whereas the applicant is posted as Shiksha Karmi Grade-II and earning Rs. 15,000/- per month and also having source of income from his agriculture land, therefore the respondent filed an application for maintenance of Rs. 10,000/- per month from the present applicant.
3. Learned counsel appearing for the applicant submits that the impugned order passed by the learned Family Court is bad in law, perverse based on no reliable evidence. The learned Family Court failed to appreciate the evidence and documents available on record. The learned Family Court has failed to appreciate the exhibited documents of ration card and the information received by the counsel of present applicant under R.T.I. which clearly prove that the respondent No. 1 has remarried with another



person, namely, Nijam. The learned Family Court has failed to appreciate that the respondent No. 1 again married with another person, namely, Mohd. Nijam which has been clearly evident from the ration card and the same documents received by Family court counsel of the present applicant under R.T.I. Hence, the impugned order is liable to be set-aside.

4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
5. From the perusal of the orders of the Family Court, it transpires that from the above evidence discussion, it is proved that the applicant is a person with sufficient means whereas respondent No. 1/wife does not have sufficient means to maintain herself and her minor child and the marriage between respondent No.1 and the applicant has been dissolved by divorce. The respondent No.1/wife has stated that applicant No.2 is a minor and has stated that he is entering class 11th. It is accepted that respondent No.2 is residing with the respondent No.1/mother. The respondent has not made any arrangement for their maintenance, hence, accepting the application under Section 125 Cr. P.C. and keeping in view the economic and social background of the parties, it would be appropriate to provide maintenance amount of Rs. 5,000/- per month to respondent No. 01 and Rs. 8,000/- per month to respondent No. 02. As such, there is no illegality and infirmity while passing the impugned order and the same warranting no interference by this Court.
6. Considering the submission advanced by the learned counsel for the applicant herein and also considering the finding recorded by the learned Family Court, I do not find any illegality or infirmity in the impugned order passed by the learned Family Court.
7. Accordingly, the present revision being devoid of merit, is liable to be and



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is hereby **dismissed**.

8. Let a copy of this order as well as original record of this case be transmitted to the trial Court concerned forthwith for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**

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