

**The High Court Of Madhya Pradesh**

CRR-1120-2018

*(SMT. TEJA BAI Vs CHHIDDU ARMO)*

7 Jabalpur, Dated : 24-06-2019

Shri Kishor Roy, Advocate for the applicant.

None for the respondent.

Heard.

Petitioners-applicants have filed this criminal revision u/s 397 r/w Section 401 of Cr.P.C. to set-aside the impugned order dated 12.02.2018 passed by learned Principal Judge, Family Court, Dindori in MJC No. 9/17 whereby learned Principal Judge Family Court, Dindori dismissed the petition presented by the petitioners under Section 125 of Cr.P.C. Learned counsel for the petitioner submits that petitioner-applicant No. 1 has filed an application u/s 125 of Cr.P.C. to get maintenance from her husband-respondent. It is alleged that petitioner-applicant No.1 is wife of respondent and petitioner-applicant No.2 is son of respondent-husband.

Respondent is not maintaining them. They are living separately due to torturing and harassment by respondent-husband. So he prays that petitioners are entitled to get maintenance of Rs. 25,000/- per month from respondent.

Respondent filed reply before trial court in which he submits that he is ill due to which he could not do any work and hence has no source of income. Petitioners are living separately without any sufficient reason so they are not entitled to get any maintenance.

Both parties have produced evidence before the trial court. Learned trial court held that petitioner-applicant No.1 is living separately from respondent-husband without any sufficient reason, so she is not entitled to get any maintenance from the respondent.

Perused the record of the trial court. It is evident that petitioner- applicant No.1 is wife of respondent. Petitioner-applicant No.1 admitted in her cross-examination that respondent does not do any work due to illness, so she

left his house and she is living in her paternal home with her child. She is not ready to live with respondent. So, it is evident that petitioner No.1 is living separately from her husband-respondent, without any sufficient reason. Therefore, learned trial court appreciate each and every fact in this regard so petitioner-application No.1 is not entitled to get any maintenance from her husband but petitioner No.2 is son of respondent so it is the duty of the respondent to maintain his minor son.

Respondent has some agricultural land but respondent is below poverty line and has low income, which appears from the cross-examination of the petitioner No.1 before the trial court, so petitioner-applicant No.2 is entitled to get maintenance from his father-respondent.

Considering the status of both parties, it is directed that respondent will pay Rs. 1,500/- per month to petitioner-applicant No.2 from the date of impugned order and claim sought for by the petitioner-applicant No.1 is hereby dismissed.

Hence, In view of above, this revision petition is partly allowed and the impugned order dated 12.02.2018 is modified, so far as, it relates to petitioner No.2.

Hence, this revision petition is disposed of.

(RAJENDRA KUMAR SRIVASTAVA)  
JUDGE