

**Ramratan Vs. Nanbai**

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**Court :** Madhya Pradesh

**Decided On :** Jul-11-1994

**Reported in :** I(1995)DMC349

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 125

**Appeal No. :** Criminal Revision No. 350 of 1989

**Appellant :** Ramratan

**Respondent :** Nanbai

**Advocate for Pet/Ap. :** Shri. Pathak

**Disposition :** Application dismissed

**Judgement :**

1. This revision application is directed against the order dated 7.2.1989 passed by First Addl. Sessions Judge, Raigarh in Criminal Revision No. 33/88 whereby he set aside the order of the Trial Court and granting maintenance allowance to the non-applicant at the rate of Rs. 150/- p.m.

2. The non-applicant wife of the applicant had moved an application, under Section 125 of the Cr. P C. before the Judicial Magistrate First Class, Saranggarh for grant of maintenance allowance to her.

3. The case of the non-applicant was that she had married the applicant according to the Hindu rites on a Ramnami day. She lived with the applicant happily as his wife for about 3 years. One day, applicant sent to her to parents house through one of his relatives, on the plea that he was going to Raigarh for appearing in Post Master examination and on his return from Raigarh he would bring her back to his house. She waited for 15 days for the arrival of the applicant but the applicant did not turn up. Then, she went to the house of applicant with her father where parents of the applicant told her father that she was not bearing any child therefore, they will not keep her at their house and they turned her out from their house. Then she returned with her father to his house and since then she was living with them. She claimed maintenance allowance at the rate of Rs. 300/- per month.

4. Pursuant to the notice the applicant appeared in the Court and filed show-cause and contested the claim of the non-applicant. In his show-cause the applicant stated that the non-applicant was not his legally wedded wife. She was his mistress. She was obstinate and rustic lady. She had left his house in her own accord, in his absence,

5. The learned Trial Court, on consideration of the evidence rejected the claim of the non-applicant. The learned lower Revisional Court however, granted maintenance allowance to the non-applicant at the rate of Rs. 150/per month and setting aside the Order of the Trial Court.

6. Shri Pathak learned Counsel for the applicant has contended that the non-applicant was not legally wedded wife of the applicant, she was living with the applicant as his beloved, therefore, the non-applicant was not entitled to the maintenance allowance.

7. On perusal of the record it however appears that Chandrabhan and Bhogish a Sarpanch of the community, who were examined by the applicant in support of his case, have state that the applicant had married the non-applicant in Churi form a custom which was prevalent in their caste.

8. In view of the statement of Chandrabhan and Bhogish contention of Shri Pathak that the applicant was not legally wedded wife of the applicant, cannot be

accepted.

9. For the reasons mentioned aforesaid, I do not find any reason to interfere with the Order of the learned Revisional Court below. There is no merit in the applicant. Accordingly, it is dismissed.

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