

Moola Ram Vs. Laxmi

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SooperKanoon Citation : sooperkanoon.com/754900

Court : Rajasthan

Decided On : Mar-06-1990

Reported in : II(1991)DMC458; 1990(1)WLN577

Judge : Kanta Bhatnagar and; A.K. Mathur, JJ.

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

Appeal No. : D.B. CrI. Appeal No. 82 of 1990

Appellant : Moola Ram

Respondent : Laxmi

Advocate for Def. : Nemo

Advocate for Pet/Ap. : B. Advani, Adv.

Disposition : Appeal dismissed

Judgement :

A.K. Mathur, J.

1. Heard learned Counsel for the appellant and perused the Judgment dated 1.2.1990 passed by the learned Judge Family Court, Jodhpur, by which an amount of Rs. 250/- per month was allowed as maintenance allowance to respondent Laxmi and Rs. 150/- per month to the daughter Moha.

2. The learned Counsel for the appellant has strenuously contended that the husband was and still is ready and willing to keep the wife, but she is reluctant to live with him and as such the question of the husband treating the wife with cruelty does not arise and there cannot be Justification for allowing the maintenance allowance to the wife and the daughter.

3. The learned Judge has discussed in detail the evidence on record and has arrived at the conclusion that as the husband was not prepared to live separate from his sister and brother-in-law against whom the wife has alleged Ill-treatment with her, the wife was justified in living separate from the husband. The learned Judge has also taken into consideration the fact that by the order of the Court, the wife had lived with husband from 31.10.1988 to 30.8.1989, and thereafter because of ill-treatment, she was constrained to live separate. With the discussion the learned Judge, taking into consideration the amount of income of the husband being Rs. 1000/- per month, allowed the maintenance allowance to the wife and daughter.

4. As stated earlier this in our opinion cannot be said to be excessive. The appeal has no substance and is dismissed summarily.