

CrPC, Section 125 – Section 125 of Cr.P.C. was conceived to ameliorate the agony, anguish and financial suffering of a woman who is required to leave the matrimonial home, so that some suitable arrangements could be made to enable her to sustain herself and the children.

CrPC, Section 125 – Objects and reasons and the spirit of the provisions under Section 125 – Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children – The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute – Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children – It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India – Plea – That he has no source of income as his party business has now been closed – Court is neither impressed by nor is ready to accept such submissions – Husband being an able-bodied, he is obliged to earn by legitimate means and maintain his wife and the minor child.

CrPC, Section 125 – Fact that the right of the respondent to cross-examine the witnesses of the appellant-original applicant was closed, as he had failed to appear before the Family Court despite the issuance of warrants, clearly established that he had no regards for his own family nor had any regards for the Court or for the law – The allegations made by the appellant-wife in her evidence before the Court had remained unchallenged and, therefore, there was no reason for the Family Court to disbelieve her version, and to believe the oral submissions made by the learned counsel appearing for the respondent which had no basis – In absence of any evidence on record adduced by the respondent disputing the evidence adduced by the appellant, the Family Court could not have passed the order believing the oral submissions of the learned counsel for the respondent – Family Court granted the Maintenance petition so far as the appellant no.2-son was concerned, nonetheless had thoroughly mis-directed itself by not granting the maintenance to the appellant-wife.

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