



SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

Criminal Revision No. 824.../2013

Applicant : Shri Ram Singh Parihar S/o
Non-Applciant Shri Bodhan Singh, Aged about
39 years, R/o C/o Gore Singh
Parihar, Village Jevra, Navagaon,
P.O. Tipni, Tahsil Saja, Police
Station Lhamhariya, District Durg, Civil & Revenue District
Durg (C.G.)

924/13
Presented by Shri Surekha Verma
10/12/13
dated...

VERSUS

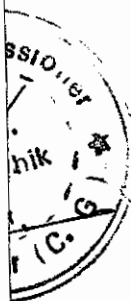
NON-APPLICANT : Smt. Malti Bai W/o Bodhan Singh, aged about 37 years, R/o
APPLICANT Near Azad School, Panchsheel
Nagar Durg, Police Station Durg,
Tahsil & District Durg (C.G.)

Shri Ram

7-1-2014

CRIMINAL REVISION UNDER SECTION 19(4) OF
FAMILY COURT ACT 1984

Being aggrieved by the impugned order dated
30/11/2013 passed by the 3rd Additional Chief Special Judge
Family Court Durg (C.G.), in criminal case No.
201/2013 parties being Smt Malti Bai Versus Shri Ram
Singh Parihar. The copy of impugned order dated
30/11/2013 is filed herewith as **Annexure A-1.**





20.2.14

(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION NO. 824 OF 2013

APPLICANT
(Non-applicant)

Shri Ram Singh Parihar

VERSUS

NON-APPLICANT
(Applicant)

Smt. Malti Bai

REVISION UNDER SECTION 19 (4) OF THE
FAMILY COURTS ACT, 1984

Appearance: Mr. Suresh Kumar Verma, Advocate, for the Applicant.

(Single Bench : Hon'ble Mr. P. Sam Koshy, J.)

ORAL ORDER
(18-2-2014)

(1) Heard on admission.

(2) By way of instant criminal revision, the applicant intends to challenge the order dated 30.11.2013 passed in Criminal Case No.201/2013 by Third Additional Principal Judge, Family Court, Durg.

(3) Non-applicant (Smt. Malti Bai) had earlier filed an application against the present applicant before the Family Court, Durg, seeking maintenance under Section 125 of CrPC. The said application was registered as M.J.C. No.139/2007. By order dated 21.2.2008, the said application was allowed by the Family Court, Durg, and it was ordered that the present applicant shall pay an amount of Rs.650/- per month to the present non-applicant as maintenance.

(4) However, subsequently the present non-applicant in the year 2011 had moved another application before the Family Court, Durg, under Section 127 of CrPC, seeking enhancement of the earlier maintenance amount payable by the present applicant to the present non-applicant. The said case was registered as Criminal Case No.201/2013.

(5) The Family Court, Durg, vide impugned order dated 30.11.2013 has allowed the said application under Section 127 of CrPC and enhanced the monthly maintenance amount payable by the present applicant to the present non-applicant from Rs.650/- to Rs.1000/-.

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(6) It is this order dated 30.11.2013 which has been put to challenge by the present applicant in the instant revision petition.

(7) On due consideration of the contentions put forth by the learned counsel for the applicant and also the submissions made by the applicant in his revision petition, it reflects that in the year 2008 the Family Court had granted maintenance allowance of Rs.650/- per month in favour of the present non-applicant and down the line after about five years it has now allowing the application under Section 127 of CrPC, enhanced the maintenance allowance from Rs.650/- to Rs.1000/- per month.

(8) Considering the reasons given by the Family Court in enhancing the monthly maintenance allowance from Rs.650/- to Rs.1000/-, I do not find any illegality or arbitrariness to have been committed by the Family Court. Even otherwise the admitted fact in the instant case is that the present applicant is an Electrician by profession and that it is anybody's guess as to what would be the minimum income of an Electrician in present days and of the said income of an Electrician if the Family Court has granted an amount of Rs.1000/- per month to be paid to the present non-applicant as maintenance, the same cannot be said to be an amount excessive or exorbitant by any stretch of imagination. Therefore, the instant criminal revision deserves to be dismissed.

(9) The criminal revision thus fails and is hereby dismissed in *limine*.

(10) No order as to costs.

Sd/-
P. Sam Koshy
Judge