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SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION

105

of 2014



APPLICANT

Komanlal Sahu

S/o Shyamlal Sahu

Aged about- 56 years

(Wrongly mentioned as 53

in family court order)

R/o village- Boirgaon

Thana – Bagbahara,

Distt- Mahasamund, (C. G.)

Present address-
Ophthalmic Assistant

C.H.C.- Saraipali

Distt- Mahasamund, (C. G.)

105/14
Presented by Shri. K. A. Sahu
11/2/14



VERSUS

RESPONDENT / NON-APPLICANT

Smt. Sushila Sahu

W/o Komanlal Sahu

Aged about- 50 years

R/o Ward No. 1, Shankar

Nagar, Mahasamund

Tehsil and Distt-
Mahasamund, (C. G.)

**CRIMINAL REVISION UNDER SECTION 19(4) OF THE FAMILY
COURTS ACT**

Civil and Revenue District- Mahasamund

Case Number- M. J. C. No. 71/2012

(6) (2)

Date of Impugned order- 08-11-2013 ✓

Name of the subordinate court- Principal Judge, Family Court-
Mahasamund

1. The applicant abovenamed respectfully presents the present petition of Criminal Revision under section 19(4) Of the Family Courts Act against the order dated 08-11-2013 passed by the Principal Judge, Family Court, Mahasamund in M. J. C. No. 71/2012 wherein the learned court increased the maintenance of amount 2000 to 6000 Rs. Per month under section 127(1) of the Criminal Procedure Code. The order of the court is hereby annexed and marked as **Annexure**

A-1.

2. The applicant abovenamed states that she has not filed any other petition of similar nature before the Hon'ble Supreme Court, Hon'ble High Court or the court below.

3. **FACTS OF THE CASE**



17-2-14

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION NO. 105 OF 2014

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APPLICANT

:

Komanlal Sahu

VERSUS

RESPONDENT

:

Smt. Sushila Sahu

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

Appearance: Mr. Kishore Narayan, Advocate, for the Applicant.

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

ORAL ORDER

(14-2-2014)

(1) Heard on I.A. No.01/2014 which is an application for condonation of delay in filing of the present criminal revision. As per the office report, the instant criminal revision is barred by limitation of 5 days.

(2) On due consideration, since sufficient cause has been explained by the applicant in not filing the criminal revision within the limitation period, I.A. No.01/2014 is allowed and the delay in filing of criminal appeal is hereby condoned.

(3) Also heard on the question of admission.

(4) By way of instant criminal revision, the applicant has challenged the order dated 8.11.2013 passed in M.J.C. No.71/2012 by Family Court, Mahasamund.

(5) By impugned order dated 8.11.2013, the Family Court has enhanced the maintenance amount that was already being paid to the respondent (Smt. Sushila Bai) from an amount of Rs.2000/- to Rs.6000/- per month.

(6) Brief facts of the case are that the respondent (Smt. Sushila Bai) had filed an application seeking maintenance from the applicant (Komanlal Sahu) before the Family Court, Mahasamund, which was registered as M.J.C. No.23/2006. The said M.J.C. No.23/2006 was allowed vide order dated 23.6.2007 wherein it was ordered that the present applicant shall pay an amount of



Rs.2000/- per month to the respondent towards maintenance and since then the present applicant has been paying the said amount without default. (20)

(7) Subsequently, the present respondent had filed an application before the Family Court, Mahasamund, under Section 127 (1) of CrPC for enhancement of the maintenance amount. The said application was registered as M.J.C. No.71/2012.

(8) Contention of the present respondent before the Family Court was that when initially the order was passed on 23.6.2007, the present applicant was getting monthly salary of Rs.9000/-, whereas subsequent to the revision of pay the applicant is drawing monthly salary of more than Rs.25000/-. Therefore, the maintenance amount which has been earlier awarded to the present respondent should be enhanced.

(9) The Family Court, Mahasamund, after due consideration of the contentions made by the present respondent in M.J.C. No.71/2012, vide impugned order dated 8.11.2013, reached to the conclusion that it was a fit case where the maintenance amount of Rs.2000/- per month which is being paid to the present respondent by the present applicant should be enhanced from Rs.2000/- to Rs.6000/- per month.

(10) It is this order dated 8.11.2013 which has been put to challenge by the applicant Komanlal Sahu in the instant revision petition.

(11) Taking into consideration the total facts and circumstances of the case which have been considered by the Family Court particularly the fact that in the evidence of the parties, it is an admitted position that when the earlier order of granting maintenance of Rs.2000/- per month was passed, the salary of the present applicant was mere Rs.9000/- per month. Subsequently, under the revised pay structure, the present applicant is drawing a monthly salary of more than Rs.26,000/-, which has been proved by way of documentary evidence brought before the Family Court.

(12) Taking into consideration this aspect, if the Family Court has enhanced the monthly maintenance allowance payable to the present respondent from Rs.2000/- to Rs.6000/-, the same cannot be said to be arbitrary and contrary to the evidence on record.

(13) In view of the above, I am of the opinion that it is not a case where this Court should interfere with the finding arrived at by the Court below.

(14) Accordingly, the criminal revision being devoid of merits is dismissed. No order as to costs.

Sd/-
P. Sam Koshy
Judge