

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.334 of 2014**

Jaleshwar, son of Shri Gambhir Verma, aged about 30 years, resident of Bodhaikunda, Police Station Bodla, Tahsil Bodla, District Kabirdham (CG)

---Applicant**Versus**

Sevti Bai, wife of Shri Jaleshwar Verma, aged about 28 years, resident of Bodhaikunda, presently at Village Sukhataal, Police Station Kawardha, Tahsil Kawardha, Distt.Kabirdham (CG)

---Respondent**And****Criminal Revision No.507 of 2015**

Sevati Bai wife of Jaleshwar Verma, aged about 28 years, R/o. Bodhaikunda, at present Village Sukhatal, P.S. Kawardha, Tahsil Kawardha, District Kabirdham (CG)

---Applicant**Versus**

Jaleshwar son of Gambhir Verma, aged about 30 years, R/o. Bodhaikunda, P.S. Bodala, Tahsil Bodala, District Kabirdham (CG)

---Respondent

For Applicant	:	Mr. D.C.Verma, Advocate in Cr.R.No.334/2014
For Respondent	:	Mr. Suresh Verma, Advocate in Cr.R.No.334/2014

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For Applicant	:	Mr. Suresh Verma, Advocate in Cr.R.No.507/2015
For Respondent	:	Mr. D.C.Verma, Advocate in Cr.R.No.507/2015

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/09/2015**

1. Smt.Sevti Bai filed an application under Section 125 of the CrPC for monthly maintenance of Rs.5000/- per month against her husband-Jaleshwar stating *inter alia* that she is duly wedded wife of Jaleshwar. It was further stated that she is married by exchanging two female between the families. It was also

stated that husband-Jaleshwar has started residing with Basanti Bai in churi form and he has two children with second wife Basanti Bai, therefore, he deserted her and as such, she is residing separately and only getting Rs.200/- pension as deserted woman. She has no source of income and husband-Jaleshwar and his family are having 4.5 acres of the land in their possession and they are earning huge money, whereas wife is having sufficient to cause to live separately and she is having no source of income for her livelihood and unable to maintain herself.

2. The Family Court by its order impugned holding that applicant Sevati Bai is duly wedded wife of non-applicant-Jaleshwar and Sevati Bai has sufficient cause to live separately as non-applicant Jaleshwar is living with her second wife Basanti Bai and having source of income of Rs.6000-7000/- per month, granted maintenance of Rs.2500/- per month to wife-Sevati Bai.

3. Feeling aggrieved with the said order, husband-Jaleshwar has filed Criminal Revision No.334/2014 for setting aside the order granting maintenance, whereas wife-Sevati Bai has filed Criminal Revision No.507/2015 for enhancement of the maintenance amount.

4. Since common question of law and fact are involved in both the cases, they are clubbed together, heard and disposed of by this common order.

5. Mr.D.C.Verma, learned counsel appearing for husband-Jaleshwar would submit that order granting maintenance is bad in law as the income of the entire family has taken into consideration while assessing of income of the husband and therefore, order granting maintenance is shockingly high and deserves to be reduced/set aside. He would further submit that there is delay of thirteen years in filing the application for maintenance.

6. Mr.Suresh Verma, learned counsel appearing for wife-Sevati Bai would submit that order granting maintenance of Rs.2500/- per month is shockingly low

considering the cost of living, price index, need for food and clothing etc., therefore, order granting maintenance deserves to be enhanced suitably.

7. I have heard learned counsel for the parties and perused the documents annexed with the revisions.

8. It is not in dispute that Sevati Bai is duly wedded wife of Jaleshwar. It is also not in dispute that Jaleshwar has married with Basanti Bai in churi form and he has two children and thus, wife has reasonable cause to live separately from her husband. It is also not the case of the parties that wife is earning and she has separate source of income, she is wholly dependant upon the pension extended by the government for deserted woman, whereas the husband has a landed property and has sufficient means to maintain his wife and he is living with second wife Basanti Bai and two children.

9. Taking into consideration the price index, need of deserted woman for food, clothing, medical needs and to meet day-to-day expenses, Rs.2500/- per month is on lower side and it is enhanced to Rs.500/- more, thereby Rs.3000/- per month would be just and reasonable maintenance, which wife would be entitled for enhanced amount from the date of this order.

10. The order of the Family Court stands modified accordingly and both the revisions disposed of accordingly.

11. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-