

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.366 of 2015**

Smt.Divya Deshmukh, wife of Gopal Krishna Deshmukh, aged 27 years,
At present resident of C/o Chandrashekhar Gayakwad House, Opposite
Purana Hanuman Mandir, Near Sapray School, Gayakwad Gali
Bhudhapara Tehsil and District Raipur (CG)

---Petitioner**Versus**

Gopal Krishna Deshmukh Son of Bhuneshwar Prasad Deshmukh aged
about 36 years, resident of Kabir Nagar, Raipur, Lecturer, Management
Centre, Pt. Ravi Shankar University, Raipur (CG)

---Respondent**And****Criminal Revision No.455 of 2015**

Gopal Krishna Deshmukh aged about 42 years, S/o Bhuwaneshwar
Prasad Deshmukh, R/o HDD-216, Phase-3, Kabir Nagar, Raipur, P.S.
Kabir Nagar, Tahsil and District Raipur (CG)

---Petitioner**Versus**

Smt.Divya Deshmukh, aged about 27 years, W/o Shri Gopal Krishna
Deshmukh, R/o at present C/o Chandrashekhar Gayakwad's House,
Opposite Purana Hanuman Mandir, Near Sapray School, Gayakwad Gali
Bhudhapara Tahsil and District Raipur (CG)

---Respondent

For Petitioner	:	Mr.P.P.Sahu, Advocate in Cr.R.No.366/2015
For Respondent	:	Mr.J.N.Nande, Advocate in Cr.R.No.366/2015

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For Petitioner	:	Mr.J.N.Nande, Advocate in Cr.R.No.455/2015
For Respondent	:	Mr.P.P.Sahu, Advocate in Cr.R.No.455/2015

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/09/2015**

1. Since the aforesaid two criminal revisions have been filed against the same order, they are being disposed of by this common order.

2. In an application for maintenance filed by wife-Smt.Divya Deshmukh, the Family Court, Raipur by its order dated 3.11.2008 in Misc.Criminal Case No.452/2008 with the consent of the parties granted Rs.4000/- per month as maintenance. Thereafter, she has filed an application under Section 127 of the CrPC for enhancement of maintenance amount, which remained unsuccessful by order dated 18.2.2010. Thereafter, she filed another application under Section 127 of the CrPC on 6.1.2012 for enhancement of maintenance amount and by the order impugned dated 16.12.2014 in MJC Case No.4/2012 the First Additional Principal Judge, Family Court, Raipur has enhanced an amount of maintenance from Rs.4000/- to Rs.8,000/- per month finding change in circumstances looking to the cost of living, standard of living and income of husband-Gopal Krishna Deshmukh as he is working as Assistant Professor in Pt. Ravi Shankar University, Raipur and earning Rs.67,933/- per month.

3. Against the order dated 16.12.2014, wife-Smt.Divya Deshmukh has filed Criminal Revision No.366 of 2015 for enhancement of maintenance amount from Rs.8,000/- to Rs.12000/- per month, whereas husband-Gopal Krishna Deshmukh has filed Criminal Revision No.455 of 2015 for setting aside the order of enhancement of maintenance amount.

4. Mr.P.P.Sahu, learned counsel appearing for wife-Smt.Divya Deshmukh would submit that amount of maintenance of Rs.8000/- per month granted to wife is on lower side.

5. Per contra, Mr.J.N.Nande, learned counsel appearing for husband-Gopal Krishna Deshmukh would submit that enhancement of maintenance amount from Rs.4000/- to Rs.8000/- per month is on higher side.

6. I have heard learned counsel appearing for the parties and gone through the record with utmost circumspection.

7. The Family Court by its detailed order dated 16.12.2014 has clearly recorded the finding that income of husband is Rs.67,933/- per month and looking to the price index, inability of wife to maintain herself and to pay rent, her medical needs, need for food and clothing etc., Rs.8000/- per month would be appropriate amount, which the husband is capable of making payment as his income is Rs.67,933/- per month and enhanced an amount of maintenance from Rs.4000/- to Rs.8000/- per month from the date of order dated 16.12.2014.
8. Taking into consideration the facts and circumstance of the case, looking to the present scenario, income of husband and need of wife, maintenance amount of Rs.8,000/- per month is just, fair and reasonable. It is neither required to be enhanced nor required to be reduced.
9. Consequently, Criminal Revision Nos.366 and 455 of 2015 being without substance are liable to and are accordingly dismissed.
10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-