

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 453 OF 2015**

Dinesh Sevta, aged about 42 years, S/o Late Fattesingh, R/o Village Gidhari,
Tahsil and Thana Charama, Distt. Uttar Bastar Kanker

---Applicant**Versus**

1. Ku. Poorvi Sevta, aged about 07 years, D/o Dinesh Sevta, being
minor through mother Hemlata Sevta, aged about 35 years, D/o Foolchand,
R/o Village Kanapod, Tahsil Charama, Distt. U.B. Kanker, At Present Shiksha
Karmi Grade 2 Bamhni, Tahsil and Distt. Kondagaon

2. Hemlata Sevta, aged about 35 years, D/o Foolchand, R/o Village
Kanapod, Tahsil Charama, Distt. U.B. Kanker, At Present Shiksha Karmi
Grade 2 Bamhni, Tahsil and Distt. Kondagaon.

----Non-applicants

For Applicant	:	Mr. Parag Kotecha and Mr. Alok Tiwari, Advocate
For Non-applicants	:	None present, though served

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

1. The Family Court, Kanker, District Uttar Bastar Kanker (C.G.) by its
order dated 31/05/2014 granted Rs.3,000/- per month maintenance to the
non-applicant No.1, who is daughter of applicant and non-applicant No. 2,
who is wife of applicant was not granted any maintenance as she was already
working as Shiksha Karmi Grade-2.

2. The applicant filed an application on 04/04/2015 under Section 127
of the Cr.P.C. alleging that non-applicant No. 2 was now getting salary of Rs.
27,000/- per month, therefore, there is change in circumstances and the
maintenance amount of Rs. 3,000/- per month be reduced to Rs. 1,500/- per
month.

3. The Family Court, Uttar Bastar Kanker, by its impugned order dated 05/06/2015, rejected the application holding that there is no sufficient ground or there is no change in circumstances warranting reduction of the maintenance amount.

4. Against which, this criminal revision has been filed by the applicant and it has been assailed that the order of Family Court is perverse and contrary to the record, therefore, it deserves to be set-aside.

5. The Family Court has clearly recorded a finding that maintenance of Rs. 3,000/- per month was granted only to non-applicant No. 1- Ku. Poorvi Sevtā, aged about 7 years by order dated 31/05/2014 and no maintenance was granted to her mother i.e. non-applicant No. 2.

6. Admittedly, non-applicant No. 1 is minor, studying in Class-III and looking to her need for food, clothing, maintenance, schooling and further looking to the price index and cost of living, Rs. 3,000/- monthly maintenance cannot be said to be unreasonable amount warranting reduction merely because the salary of non-applicant No. 2 has been increased to some extent and it cannot be changed in circumstances warranting reduction of the maintenance amount, I do not find any jurisdictional error in the order granting maintenance.

7. Accordingly, criminal revision deserves to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
JUDGE