

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Revision No.379 of 2015

1. Smt. Kunti Thakur, W/o Ranapratap Thakur, aged about 40 years,
2. Raghvendra Kumar, S/o Ranapratap Thakur, aged about 16 years,
3. Nihal Thakur, S/o Ranapratap, aged about 14 years,

Applicant No.2 & 3 are minor through his natural guardian mother applicant No.1 Smt. Kunti Thakur

All R/o Aamalori, Post Bharra, Thasil Patan, Distt. Durg (C.G.). Present R/o Sarojni Chowk, Kurud, Tahsil Kurud, Distt. Dhamtari (C.G.)

---- Applicants

Versus

Ranapratap Thakur, S/o Dhaneshram Thakur, aged about 46 years, R/o Aamalori, Post Bharra, Thasil Patan, Distt. Durg (C.G.)

---- Non-applicant

For Applicants:	Mr. Arvind Dubey, Advocate.
For Non-applicant:	Mr. N.S. Dhurandhar, Advocate.

ANDCriminal Revision No.578 of 2015

Ranapratap Thakur, S/o Dhaneshram Thakur, aged about 45 years, R/o Amalori, Post Bharar, Tahsil Patan, Distt. Durg (C.G.)

---- Applicant/
(Non-applicant)

Versus

1. Smt. Kunti Thakur, W/o Ranapratap Thakur, aged about 40 years,
2. Raghavendra Kumar, S/o Ranapratap Thakur, aged about 16 years,
3. Nihal Thakur, S/o Ranapratap, aged about 14 years,

Respondent No.2 and 3 minor through their natural guardian mother applicant No.1 Smt. Kunti Thakur, W/o Ranapratap Thakur,

All are resident of Amalori, Post Bharar, Tahsil Patan, Distt. Durg (C.G.)

Present Address: Sarojni Chowk, Kurud, Tahsil Kurud, Distt. Dhamtari (C.G.)

---- Respondent/
(Applicants)

For Applicant:	Mr. N.S. Dhurandhar, Advocate.
For Non-applicants:	Mr. Arvind Dubey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/09/2015

1. Since both the revisions are arising out of the same order, they are being disposed of by this common order.
2. The 1st Additional Principal Judge, Family Court, Raipur, Camp Court Dhamtari, by its order dated 4-12-2012 passed in Criminal MJC No.13/2012 passed an order granting ₹ 6,000/- per month to Smt. Kunti Thakur, wife of Ranapratap Thakur, and two minor sons finding that they are unable to maintain themselves and that Ranapratap Thakur is a man of means earning Rs.15,000/- plus while working in Bhilai Steel Plant, Bhilai. Thereafter, Smt. Kunti Thakur and two minor sons filed an application under Section 127 of the CrPC on 19-1-2015 stating that on account of changed circumstances, rise in cost of living, further need of two minor sons for schooling as they are studying in Class X & XII and also looking to the price index, which was opposed by husband Ranapratap Thakur. The Judge, Family Court, Dhamtari by its impugned order dated 13-4-2015 passed in Criminal MJC No.13/2015 enhanced ₹ 1,000/- to each of the applicants (wife and two minor sons) therein making it ₹ 9,000/- from the date of order, in place of ₹ 6,000/- per month.
3. Feeling aggrieved against the order passed by the Judge, Family Court, Dhamtari, wife and two children have filed Criminal Revision No.379/2015 for enhancement of maintenance amount whereas husband has filed Criminal Revision No.578/2015 stating that the amount granted is on the higher side.
4. Since common question of fact and law is involved in these two revisions,

they are clubbed together and heard analogously.

5. Mr. Arvind Dubey, learned counsel appearing for wife Smt. Kunti Thakur and two minor children, would submit that the amount of ₹ 3,000/- each per month enhanced is on the lower side particularly looking to the need of her two sons who are studying in 12th & 10th standard respectively, and looking to the need for tuition, fees, books, food, clothing and medical needs, the amount of total maintenance of ₹ 9,000/- per month nowhere meets the ends of the applicants and therefore, the amount of maintenance be enhanced suitably.
6. Mr. N.S. Dhurandhar, learned counsel appearing for husband Ranapratap Thakur, submits that the applicant is only getting ₹ 17,352/- per month while working in Bhilai Steel Plant and as such, he is unable to give ₹ 9,000/- per month granted by the Family Court and, therefore, the amount awarded be reduced / set aside and the maintenance amount granted earlier i.e. ₹ 6,000/- per month be maintained.
7. I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.
8. It is not in dispute that Ranapratap Thakur, husband of Smt. Kunti Thakur, is working in Bhilai Steel Plant and his gross pay is ₹ 53,482/- per month, deduction is ₹ 38,075/- per month and net pay is ₹ 15,407/- per month, but the fact remains that his gross salary is ₹ 53,483/- per month.
9. The Family Court, after considering daily needs, price index and various needs of the applicant/wife and her two sons, enhanced the maintenance as ₹ 3,000/- per month. Thus, taking into account the gross salary, deduction and net salary of the applicant and finding of the Family Court that amount of ₹ 3,000/- enhanced making it ₹ 9,000/- per month is just & proper, it is neither required to be enhanced nor required to be reduced for the time being. Therefore, I do not find any illegality in the order impugned warranting

interference in revisional jurisdiction.

10. Accordingly, the criminal revisions being devoid of substance are liable to be and are hereby dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge