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**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No.501 of 2009**

1. Smt. Sheetal Juneja W/o Shri Amit Juneja, aged about 27 years, occupation Nothing R/o Presently Purani Basti, Mangal Bazar Kharsia, Distt. Raigarh (CG).
2. Ku. Simmy Juneja D/o Amit Juneja, Aged about 3 years R/o Presently Purani Basti, Kharsia through legal guardian mother Sheetal Juneja w/o Shri Amit Juneja, R/o Purani Basti, Mangal Bazar Kharsia, Distt. Raigarh (CG).

**---- Applicants****Versus**

- Amit Juneja S/o Shri Radha Kishan Juneja, aged about 34 years, occupation Business, through Shri Vinod Cement Wale ka Makan, D-Block, Samadhiya Colony, Lashkar Gwalior (MP).

**---- Respondent**


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For Applicants : Shri Sunil Verma, Advocate.

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****24/06/2016**

1. Challenge in this revision is to the order dated 23.07.2009 passed by the Judge, Family Court, Raigarh, in Misc. Criminal Case No.116 of 2007. Vide said order, the court below had rejected the claim application of the applicant No.1 for grant of maintenance, whereas, the applicant No.2 has been awarded maintenance amount of Rs.600/- payable by the non-applicant/Respondent.
2. Learned counsel appearing for the applicants assailing the impugned order submits that the said amount of Rs.600/- which was awarded by the court below in the year, 2009 is on a lower side and needs to be enhanced for

more than one reason. Firstly; that the said award was passed way-back in the year, 2009, and since then the cost of living has increased many fold. Secondly; at that time the applicant No.2 was only three years of age whereas, now she is aged about 10 years and her expenses have also been increased particularly taking into consideration the price index, education cost and cost of living, and therefore, the award amount of Rs. 600/- awarded in the year 2009, be now suitably enhanced.

3. It is further submitted that the court below has also committed an error in not granting maintenance amount to the applicant No.1/wife, and therefore, the said order to that effect also needs to be modified. The respondent-Husband had shown his negligence towards maintenance of the applicants and thus, compelled her to leave her matrimonial home forcing her to stay in her parental home. Therefore, on account of negligence on the part of the respondent, she is also entitled for maintenance amount under Section 125 of Cr.P.C.
4. I have heard the counsel appearing for the applicants and perused the records.
5. A bare perusal of record would clearly indicate that sufficient and strong reasons has not been shown by the applicant No.1 for leaving her matrimonial home and to stay in the parental home. The findings of the court below is also to the extent that the respondent-husband had made efforts earlier to live together and for which, he also initiated proceedings under Section 9 of the Hindu Marriage Act before the family court, Gwalior which was pending at the time of disposal of the proceedings under Section 125 Cr.P.C. by the court below which shows bonafide of the respondent in making an effort to live with the applicant No.1.

6. Under the given facts and circumstances of the case and that the applicant having been failed to show any strong grounds whereby it can be held that respondent was negligent towards maintenance of applicant No.1, the findings of the court below to that extent does not warrant interference any further and the order of rejection of the application filed by the applicant No.1 for maintenance is therefore affirmed.
7. However, so far as grant of maintenance to the applicant No.2 is concerned, in the year, 2009 when she was only three years of age, award amount of Rs.600/- appears just and proper. But now by no stretch of imagination can the said award of Rs.600/-be said to be sufficient and acceptable looking to todays expenses and rise in cost of living. In addition, it is also to be kept in mind the expenses towards education and other necessities which the applicant No.2 would require to maintain herself decently particularly she being a girl child.
8. In the given facts and circumstances of the case, this court is of the opinion that the maintenance amount of Rs. 600/-per month awarded to the applicant No.2 deserves to be and is hereby enhanced to Rs.1800/- per month. Now henceforth the applicant No.2 is entitled for maintenance amount of Rs.1800/-. The said enhanced amount shall be payable to the applicant prospectively i.e. from the date of passing of this order.
9. With the aforesaid modification in the order impugned, the revision is allowed in part.

Sd/-  
(P. Sam Koshy)  
**JUDGE**