

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 644 of 2008**

1. Smt. Udiya Bai W/o Shri Lakhpatri Pradhan, Aged about 56 years, Occupation-Non
2. Ku. Urmila D/o Shri Lakhpatri Pradhan, Aged about 21

Both are residing at Naya Ganj, Purana Badpara, Raigarh
(Chhattisgarh)

---- Petitioners/Applicants**Versus**

Lakhpatri Pradhan S/o Shri Gagnath Pradhan, Aged about 63 years,
R/o Jamgaon, Tahsil and District Raigarh (Chhattisgarh)

Respondent

For Petitioners/Applicants	:	Shri Rakesh Dubey, Advocate
For Respondent	:	None appears

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****04/08/2016**

1. This revision by the petitioners/wife and daughter is directed against the order dated 31.07.2008 passed in M.J.C. No. 106 of 2007 whereby the learned Family Court, Raigarh has reduced the monthly maintenance to both wife and daughter each from Rs.500/- to Rs.250/- per month.
2. The undisputed facts are that the petitioners being the wife and daughter of respondent/husband had filed the petition under Section 125 of Cr.P.C. for grant of maintenance before learned Magistrate and he awarded interim maintenance at the rate of Rs.250/- per month to wife and Rs.150/- per month to daughter. Thereafter, the wife had filed a petition

before the First Additional Sessions Judge and he increased the maintenance to each of the claimants at rate of Rs.500/- per month. Thereafter, the husband had filed a petition under Section 127 of Cr.P.C. before the Family Court and the Family Court has now reduced the maintenance to Rs.250/- to each of the petitioners.

3. No doubt. the husband is aged about 62-63 years and has retired, but the fact remains that he was employed and before his retirement he was earning Rs.2,168/- per month with other emoluments. Therefore, award of Rs.500/- to each of the petitioners could not be said to be excessive. Furthermore, the daughter would only be entitled to maintenance normally till she attains majority. Therefore the daughter would be entitled to maintenance till she attains majority and the wife shall be entitled to maintenance at the rate of Rs.500/- per month from the date of filing of the application. The arrears of enhanced amount of maintenance shall be paid by the respondent/husband to petitioners in twelve equal monthly installments and the future maintenance amount shall be paid on or before 15th of every month. The petitioners shall also be at liberty to file an appropriate application for enhancement of maintenance in terms of Section 127 Cr.P.C.

4. The revision is disposed of in the aforesaid terms.

Sd/
(Deepak Gupta)
CHIEF JUSTICE