

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 193 of 2016

T. Suresh Kumar S/o T. Surya Narayan Aged About 34 Years R/o M. I. G. 2/340, Hudco, Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

1. Smt. T. Shridevi W/o T. Suresh Kumar Aged About 26 Years Residents At Present Of M. I. G. 1/929, Near Shri Ram Chowk, Hudco, Bhilai, District Durg Chhattisgarh
2. Sai Aditya S/o T. Suresh Kumar Aged About 1 Years 06 Month, Minor, Through The Natural Guardian Mother Smt. T. Shridevi, Residents At Present Of M. I. G. 1/929, Near Shri Ram Chowk, Hudco, Bhilai, District Durg Chhattisgarh

-----Non-Applicants

For Applicant:	Shri Ritesh Verma, Advocate.
For Non-Applicant:	Shri CR. Sahu, Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

12.5.2016

1. By way of the present Revision Petition under Section 19(4) of the Family Courts Act, 1984, the Applicant has challenged the order dated 28.1.2016 passed by the 1st Additional Principal Judge, Family Court, Durg in MJC No.58/2013. By the said impugned order, the Court below has allowed the application under Section 125 Cr.P.C filed by Non-Applicants No.1 & 2 and granted maintenance to the tune of Rs.17,000/- wherein the Court has directed that Non-Applicant No.1 would be entitled for Rs.10,000/- and Non-Applicant No.2 would be entitled for Rs.7,000/- per month as maintenance amount.

2. Learned Counsel for the Applicant submits that the said amount

awarded by the Court below is much exorbitant and the Applicant as such would find it very difficult to sustain himself. He also has the responsibilities of other family members in the family like his aged parents for whom he has to incur medical expenses also. He further submits that the Court below has wrongly assessed the salary of the Applicant while granting the maintenance amount of Rs.17,000/- to the Non-Applicants. He further submits that admittedly the Applicant is only a driver in the Railways and that his salary is not Rs.1 lac as projected by the Non-Applicants and therefore, the amount of maintenance awarded by the Court below needs to be reconsidered and reduced.

3. Learned Counsel for Non-Applicants however opposing the Petition submits that the order of the Court below by itself is very speaking and that in paragraph-19 of the said order, it is very clearly reflected that the Court below while awarding the maintenance, had taken note of the salary of the Applicant from the period April, 2015 to September, 2016. It is not disputed by Learned Counsel for the Applicant/husband that the award is based on the salary that is actually drawn by the Applicant, therefore, it cannot be said that the maintenance amount of Rs.10,000/- to Non-Applicant No.1 and Rs.7,000/- to Non-Applicant No.2 to be exorbitant.

4. Having considered the rival submissions and on perusal of the record, this Court does not find any illegality and infirmity in the order passed by the Court below. In paragraph-19, the Court below has in fact taken into consideration the actual salary which the Applicant has been drawing for the Period April, 2015 to September, 2015 and for this period, the salary of the Applicant was ranging from 57,000/- to Rs.75,000/-. Hence, this Court is of

the opinion that the amount of Rs.17,000/- awarded by the Court below considering his salary cannot be faulted with and the impugned order does not warrant any interference.

5. The instant Revision Petition, being devoid of merits, the same is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE

Priya