

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 557 of 2016**

Nand Ram Kaushik S/o Dev Narayan Kaushik Aged About 73 Years (Wrongly Mentioned As 70 Years), R/o. Village Tilai, P.S. And Tahsil Janjgir, District Janjgir-Champa Chhattisgarh.

---- Applicant**Versus**

Satrupa W/o Nand Ram Kaushik Aged About 65 Years At Present R/o. Pakariya, P.S. And Tahsil Janjgir, District Janjgir Champa Chhattisgarh.

----Non-Applicant

For Applicant:	Shri	Vivek	Singhal,	Advocate.
For Non-Applicant:	None.			

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

24.6.2016

1. By way of the present revision, the Applicant has challenged the order dated 3.3.2016 passed in Misc. Criminal Case No.19/2015 whereby the Family Court, Janjgir, Distt. Janjgir-Champa has, in a proceeding under Section 127 Cr.P.C, enhanced the maintenance amount payable to the Non-Applicant from Rs.1,000/- to Rs.3,000/-

2. Facts in the instant case are that the Non-Applicant had initiated a proceeding under Section 125 Cr.P.C against the present Applicant which was registered as Case No.135/99 before the Family Court, Janjgir Champa. The said matter was finally settled before the Lok Adalat held on 23.7.2000 wherein it was agreed between the parties that the Applicant shall pay an amount of Rs.2,000/- per month initially for a period of 2 years to the Non-Applicant and thereafter, the Non-Applicant shall be entitled to Rs.1,000/- per

month.

3. According to the Applicant, the said agreement entered into between them before the Lok Adalat in the year 2000 is being honoured by the Applicant without fail. He submits that once having agreed to the same and there being no default in paying the same on the part of the present Applicant, further proceedings for enhancement should not have been entertained and the same ought to have been rejected. He further submits that the Court below also ought to have appreciated the age of the present Applicant and the fact that he is a pensioner and out of the pension he is getting, he would not be able to sustain himself if the order of the maintenance amount as enhanced and granted by the Court below is complied with. Thus, he prayed for quashing of the said order.

4. However, perusal of the record would show that the present Applicant is admittedly a pensioner. If we look at the original award of the year 2000/-, the present application for enhancement of the maintenance amount has been moved after a period of about 16 years time during which period the cost of living has increased substantially. Further, the pension payable to the Applicant also gets revised periodically and it has increased than what it was at the time of the award in the year 2000.

5. Considering all these facts and also the fact that there is an admission by the Applicant that the Non-Applicant off-late was not keeping well, for which reasons also, the Court below was justified in enhancing the maintenance amount, the instant revision being devoid of merits is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE