

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 666 of 2016**

Dilip Sharma S/o Mohandas Sharma Aged About 43 Years R/o Quater No. M-11, Vikas Nagar, Kusmunda, P.S. - Kusmunda, Teh. - Katghora, District - Korba Chhattisgarh

---- Applicant**Versus**

1. Smt. Manju Sharma W/o Dilip Sharma, D/o Late Sabbu Choubey Aged About 40 Years R/o Naila, Present R/o Jaystambh Chowk Katghora, P.S. & Tahsil Katghora, District Korba Chhattisgarh
2. Piyush Sharma (Minor) S/o Dilip Sharma Aged About 12 Years Through Legal Guardian Smt. Manju Sharma (Mother) R/o Naila, Present R/o Jaystambh Chowk Katghora, P.S. & Tahsil Katghora, District Korba Chhattisgarh

---- Non-applicants

For Applicant :

Mr. Ashish Beck, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22.07.2016**

1. The present Criminal Revision has filed assailing the order dated 08.04.2016 passed by the Family Court Camp Katghora, District Korba in MJC No. 145/2014. Vide the said impugned order the Court below in the proceedings under Section 127 of Cr.P.C. enhanced the maintenance amount payable to the Non-applicants No. 1 & 2 by Rs. 1000/- each.

2. The Non-applicants in an earlier occasion had initiated proceedings under Section 125 of Cr.P.C. for grant of maintenance, which was allowed in their favour and the Court below had accorded an amount of Rs. 4000/- to the Non-applicant No.1 and Rs. 3000/- to Non-applicant No.2 vide order dated 08.04.2013 in claim Case No. 150/2011. Subsequently, on 09.12.2014 Non-applicants No. 1 & 2 moved another application under

Section 127 of Cr.P.C. for enhancement of the maintenance amount awarded by the Family Court, Katghora. On due consideration of the facts and also taking into consideration the income of the Applicant from all the sources, the Court below allowed the application and enhanced the maintenance amount by Rs. 1000/- each to the Non-applicants No. 1 and 2 i.e. maintenance amount of Non-applicant No. 1 which was earlier granted at Rs. 4000/- was enhanced to Rs. 5000/-p.m. and maintenance amount of Non-applicant No.2 who was earlier granted Rs. 3000/- was enhanced to Rs. 4000/-p.m.

3. Learned Counsel for the Applicant assailing the said order submits that the Court below has not properly appreciated the fact that without any compelling reasons the application for enhancement has been filed immediately after the earlier claim application under Section 125 Cr.P.C. was decided. He further submits that the Court below has also not taken into consideration the factual matrix of the case so far as the paying capacity of the present Applicant is concerned while enhancing the maintenance amount.

4. Having considered the submissions of the Counsel appearing for the Applicant and on perusal of the record it would reflect that the original maintenance application was filed in the year 2011 which was decided in their favour on 08.04.2013, however in due course of time taking into consideration the escalation in the cost of living and considering the fact that educational expenses of the Non-applicant No. 2 has also increased and also taking into consideration the income of the Applicant, the Court below has enhanced the maintenance amount by only Rs. 1000/- each. In the opinion this Court, considering the present day price rise and high cost of living, the amount enhanced by the Court below does not seem to be

exorbitant nor on the higher side, particularly if we divide the enhancement amount it would roughly come to Rs. 30-35/- per day which under any circumstances appears to be reasonable.

5. In the opinion of this Court no strong case made out calling for interference with the impugned order and the Criminal Revision being devoid of merit, the same is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE