

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 330 of 2016**

- Narhar Das Manikpuri S/o Hiranman Das Manikpuri Aged About 47 Years R/o Government Hospital, Ram Nagar, Azad Chowk, Bhilai, District Durg Chhattisgarh.

---- Applicant**Versus**

1. Smt. Kaushaliya Bai W/o Narhar Das Manikpuri Aged About 45 Years R/o Ram Nagar, Azad Chowk, Supela, Bhilai, District Durg Chhattisgarh.
2. Ku. Santoshi D/o Narhar Das Aged About 25 Years R/o Ram Nagar, Azad Chowk, Supela, Bhilai, District Durg Chhattisgarh.
3. Ku. Parwati D/o Narhar Das Aged About 20 Years R/o Ram Nagar, Azad Chowk, Supela, Bhilai, District Durg Chhattisgarh.

---- Non-applicants

For Applicant	:	Mr. P.R. Patankar, Advocate.
For Non-applicants	:	Mr. Praveen Dhurendar, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19/08/2016**

1. By way of the present Criminal Revision the Applicant has assailed the order dated 16.02.2016 passed by the First Additional Principle Judge Family Court, Durg in Misc. Criminal Case No. 181/2015.
2. Vide the said the impugned order the Court below has in a proceeding under Section 127 of the Cr.P.C. allowing the application of the Non-applicant wife has enhanced the maintenance amount from Rs. 750/- to Rs. 3000/- per month.
3. The Counsel for the Applicant assailing the said order submits that the order of the enhancement is exorbitant and is on the higher side. He further submits that amount of Rs. 3000/- is beyond the paying capacity

of the Applicant. He would not be able to sustain himself if the said order is honoured.

4. Learned Counsel for the Non-applicants submits that in fact the contention of the Applicant is fully baseless for the reason that a perusal of the pay slip which has been filed along with the reply of the Non-applicants clearly indicates that the gross salary of the Applicant was somewhere Rs. 12326/- per month of which the net income he used to draw was more than Rs. 10,000/-. Therefore, prayed for rejection of the Revision Petition.
5. Having considered the rival submissions put forth on either side and perusal of the pay slip of the Applicant for the month of August, 2010 wherein it is clearly reflected that the gross salary of the Applicant was more than Rs. 12000/- per month, this Court is of the opinion that there is no illegality or infirmity on part of the Court below while enhancing the maintenance amount from Rs. 750/- to Rs. 3000/- per month.
6. In view of the same, the instant Revision Petition being devoid of merits, the same deserves to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)
JUDGE