

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 760 of 2016**

Tejendra Sen S/o Kalyan Singh Sen Aged About 29 Years R/o - Village - Bagoud Thana & Tahsil - Kurud, Civil & Revenue Distt. Dhamtari Chhattisgarh

---- Applicant

Versus

1. Smt. Bharti Sen W/o Tejendra Sen Aged About 27 Years R/o Village - Loharsi, (Ratnabandha) Thana & Tahsil - Dhamtari, Civil & Revenue Distt. - Dhamtari Chhattisgarh
2. Ku. Heena Sen D/o. Tejendra Sen Aged About 4 Years Minor Through Natural Guardian Mother Smt. Bahrti Sen W/o Tejendra Sen R/o Village - Loharsi, (Ratnabandha) Thana & Tahsil - Dhamtari, Civil & Revenue Distt. - Dhamtari Chhattisgarh
3. Ku. Harshita Sen D/o Tejendra Sen Aged About 4 Years Minor Through Natural Guardian Mother Smt. Bahrti Sen W/o Tejendra Sen R/o Village - Loharsi, (Ratnabandha) Thana & Tahsil - Dhamtari, Civil & Revenue Distt. - Dhamtari Chhattisgarh

---- Non-applicants

For Applicant : Sunil Sahu, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy

Order On Board

16/08/2016

1. By way of the present Revision Petition the Applicant has challenged the order dated 14.07.2016 passed by the Family Court, Dhamtari (C.G.) in Miscellaneous Criminal Case No. 23/2016.
2. By the said impugned order the Court below has on the application under Section 127 of the Cr.M.P. enhanced the maintenance amounts already awarded in favour of the Non-applicants by enhancing Rs. 200/- to Non-applicant No. 1 and Rs. 400/- each to Non-applicants No. 2 & 3.

3. Learned Counsel for the Applicant submits that the proceedings under Section 125 of the Cr.P.C. was culminated by the order passed by the Court below only in the year 2014 i.e. on 02.09.2014 to be precise. That it is only about one year time the Non-applicants have filed this application for enhancement of the maintenance amount. There was no occasion for enhancement of the maintenance amount which was granted by the Court below only on 02.09.2014.
4. He further submits that during this period the income of the Applicant has also not been enhanced by which it can be said that the Non-applicants are entitled for higher amount of maintenance.
5. Having considered the facts and circumstance of the case and perusal of the record, the admitted position is that the Applicant admittedly is working as an accountant at the Janpad Panchayat, Manpur district – Rajnandgaon. The contention of the Counsel for the Applicant is that employment of the Applicant is contractual and therefore there is no certainty so far as employment part is concerned. Another admitted fact in the instant case is that the proceeding under Section 125 of Cr.P.C. was decided vide order dated 02.09.2014 and by this time almost after 2 years time has lapsed since the application under Section 125 of Cr.P.C. has been decided. In these two years time there is no reason to doubt the fact that the cost of living has increased substantially and if the said fact is taken into consideration the order passed by the Court below can not be said to be bad in law or perverse in any manner. Even otherwise, amount of maintenance which has been enhanced vide the impugned order also can not be said to be on higher side or exorbitant.

6. Thus, in the opinion of this Court there is no illegality or infirmity on the part of Court below while passing the impugned order.
7. The Revision Petition being devoid of merits, the same deserved to be and is accordingly dismissed.

Sd/-

**(P. Sam Koshy)
JUDGE**