

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1006 of 2016**

- Karmesh Thawre S/o Shri K.L.Thawre Aged About 42 Years R/o Dr. Ambedkar Nagar Magarpara, Police Station Civil Lines, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Archana Thawre W/o Shri Karmesh Thawre Aged About 27 Years R/o Annapurna Colony, Ganesh, Police Station Torwa, Tahsil & District Bilaspur, Chhattisgarh.
2. Ku. Priyanshi Thawre (Minor) D/o Shri Karmesh Thawre 8 Months Through His Mother & Guardian Smt. Archana Thawre, R/o Annapurna Colony, Ganesh, Police Station Torwa, Tahsil & District Bilaspur, Chhattisgarh.

---- Non-applicants

For Applicant

Mr. Arun Kochar Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****23.11.2016**

1. Heard on I.A. No.1/2016 which is an application for condonation of delay.
2. For the reasons assigned in the said application for condonation of delay and the same found to be satisfactory, I.A. No.1 is allowed. The delay of 19 days in filing the present Revision Petition is condoned.
3. The preset Revision Petition has been preferred assailing the order dated 07.07.2016 passed in Miscellaneous Criminal Case No. 513/2012 by the Family Court, Bilaspur.

4. Learned Counsel for the Applicant assailing the said order submits that the amount of maintenance which has been awarded by the Court below is exorbitant and also not in accordance with the evidence which have come on record. It is also contended by the Counsel for the Applicant that the amount of maintenance awarded by the Family Court is beyond the paying capacity of the present Applicant. According to the Counsel for the Applicant he is a low paid employee working as Assistant Grade-III in School Education Department of the Government of Chhattisgarh and he draws salary only around 13,000/- per month and if Rs. 6000/- is paid to the Non-applicants; wife and son, then from the remaining amount he would find it difficult to sustain himself. He further submits that there are certain statutory deductions also which are made from his salary which further reduces his take home salary. In addition, the Applicant also has his mother and father along with him who are also upon the present Applicant and thus prayed for setting aside of the order or at least modify the order reducing amount of maintenance awarded.
5. However, perusal of the record which have been brought before the Court below what clearly reflects is the fact that the Applicant admittedly is an Assistant Grade-III working in a Government School and that he has not furnished his salary slip. To the best information of this Court, salary of an employee working as Assistant Grade-III in the Government school would be more than Rs. 20,000/-. Further what cannot be brushed aside is the fact that the amount of maintenance awarded to the two Non-applicants are only around Rs. 100/- per day each and which under no stretch of imagination can

be termed as exorbitant or on higher side. As Rs. 100/- per day would be a minimum amount which could have been granted by the Court below for survival of a person particularly taking into consideration today's cost of living.

6. The other aspect so far as the liability of the parents which is upon the present Applicant is concerned, this fact is not relevant for the moment for the reason that under any circumstances it is bounden duty of the Applicant husband to take care of his wife and children come what may.
7. The Supreme Court and the different High Courts in the recent past have enunciated the fact that even if the Applicant does not have any source of income or he has become a sanyasi even then that would not discharge him of his responsibility of maintaining his wife and children.
8. In the given factual matrix of the case, this Court is of the opinion that there is no infirmity or illegality said to have been committed by the Court below while granting maintenance amount of Rs. 3000/- to the each Non-applicant which in the opinion of this Court is a reasonably fair an amount of maintenance which has been provided for their sustenance.
9. The Revision Petition accordingly fails and is rejected.

Sd/-

**(P. Sam Koshy)
JUDGE**