

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1054 of 2016**

- Manoj Kumar S/o Jeetaram Aged About 31 Years R/o Village Angari, Police Station & District Balod, Chhattisgarh.

---- Applicant**Versus**

1. Neera Bai W/o Manoj Kumar Aged About 26 Years R/o Village Angari, Police Station & District Balod, Chhattisgarh.
2. Dhaal Singh S/o Manoj Kumar Aged About 4 Years (Minor), Through Natural Guardian Mother Smt. Neera Bai. R/o Village Angari, Police Station & District Balod, Chhattisgarh.

---- Non-applicants

For Applicant

Mr. Anil Gulati, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****18.11.2016**

1. The present Revision Petition has been preferred assailing the order dated 08.09.2016 passed by the First Additional Principle Judge, Family Court, Balod in Miscellaneous Criminal Case No. 38/2015 whereby the Court below in a proceeding under Section 125 of the Cr.P.C. has awarded maintenance amount of Rs. 1500/- to each of the Non-applicants total Rs. 3000/- per month.
2. Learned Counsel for the Applicant assailed the said judgment on two grounds. Firstly there is no evidence establishing the Non-applicant's claim before the Court below so far as proper, legal and valid marriage between the Applicant and Non-applicant No.1 and secondly the amount of maintenance awarded by the Court below

also is exorbitant and is on higher side as admittedly the applicant is a labour, therefore it is beyond his paying capacity to provide Rs. 3000/- per month as maintenance in addition of maintaining himself.

3. Taking into consideration the contentions put forth by the Counsel for the Petitioner what clearly reflects is the fact that in reply to the 125 proceeding he himself has admitted the marriage that he had with Non-applicant No.1 but he has denied the same during the evidence. This fact of admission in the pleading cannot be brushed aside while the issue been decided by the Court below. Therefore, order of the Court below in favour of the Non-applicants cannot be said to be illegal or infirm in any manner.
4. So far as the quantam of amount of maintenance is concerned. It is only Rs. 1500/- per month which has been granted to each of the Non-applicants which by no stretch of imagination can be said to be on higher side. If both the amount are taken together it is only Rs. 3000/- per month. If this amount is divided into 30 days in a month it hardly comes to Rs. 100/- per day which is too meagre an amount with which two persons can survive in todays cost of living.
5. For the aforesaid reasons this Court does not find any illegality or infirmity in the order of the Court below while reaching to the conclusion that the Non-applicants are entitled for maintenance of Rs. 3000/- per month.
6. Accordingly, the present Revision Petition deserves to be and is accordingly dismissed.

Sd/-

**(P. Sam Koshy)
JUDGE**