

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1021 of 2016**

- Radhekrishna Dhruv S/o Johan Ram Dhruv Aged About 50 Years R/o Civil Line A-98, Near Ramjanki Temple, Gariyaband, Tahsil/ District Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- Smt. Bhanbai Dhruv W/o Radhekrishna Dhruv Aged About 45 Years R/o Bendranawagaon, Ward No. 8, Damadpara, Rudri, Tahsil/ District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****07.11.2016**

1. The present petition has been filed assailing the order dated 09.09.2016 passed by a Family Court, Dhamtari in Miscellaneous Criminal Case 130/2015.
2. vide the impugned order the Court below in a proceeding under Section 125 of Cr.P.C has allowed the application and have ordered for payment of maintenance to the Respondent to the tune of Rs. 8000/- per month.
3. Learned Counsel for the Applicant assailing the said order submits that the amount of Rs. 8000/- as awarded by the Court below is exorbitant and is beyond the paying capacity of the applicant. He further submits that though admittedly the take home salary of the

Applicant after all the deduction is Rs. 29,000/-per month but there are huge liability on the Applicant which he has to meet after which Rs. 8000/- which to be given to the Respondent would be beyond his paying capacity.

4. A bare perusal of the record would reflect that indisputably initially an interim application was allowed in favour of the Respondent wherein an interim maintenance of Rs. 6000/- was awarded and Rs. 6000/- was being paid by the applicant uninterruptedly and the order of interim maintenance has never been subjected to challenge by the Applicant.
5. It is further reflected that the Applicant is the sole legal heir of the parents and apart from the agriculture income of the family he has a handsome income by way of salary which after all the statutory deduction he is receiving an amount of Rs. 29000/- per month. If that is taken into consideration the amount of maintenance as awarded by the Court below cannot be said to be bad in law or on the higher side.
6. Therefore, this court does not find any illegality or infirmity in the order of the Court below allowing the maintenance application under Section 125 of the CrPC granting Rs. 8000/- per month as maintenance to the Respondent.
7. The present Revision Petition accordingly fails and stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE