

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1077 of 2016**

- Ramesh Kumar Panika S/o Shri Bal Kumar Panika Aged About 33 Years R/o Sagarpara Dev Baloda, Charoda, Police Station Bhilai 03, Tahsil Patan, District Durg, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Aasha Panika W/o Shri Ramesh Kumar Panika Aged About 28 Years R/o Village Puraina, Bhilai, Dock Bangla Oriya Mohalla, Police Station & Post Bhilai 03, Tahsil Patan, District Durg, Chhattisgarh.
2. Ku. Meena Panika D/o Ramesh Kumar Panika Aged About 10 Years Minor Through Legal Representative Mother Smt Asha Panika, R/o Village Puraina, Bhilai, Dock Bangla Oriya Mohalla, Police Station & Post Bhilai 03, Tahsil Patan, District Durg, Chhattisgarh.
3. Kumari Nisha D/o Ramesh Kumar Panika Aged About 8 Years Minor Through Legal Representative Mother Smt. Aasha Panika. R/o Village Puraina, Bhilai, Dock Bangla Oriya Mohalla, Police Station & Post Bhilai 03, Tahsil Patan, District Durg, Chhattisgarh.

---- Non-applicants

For Applicant

Mr. S.K. Guha, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****24.11.2016**

1. The present Revision Petition has been filed by the Applicant under Section 19(4) of the Family Court Act, 1984 assailing the order dated 25.07.2016 passed by the First Additional Principle Judge, Family Court, Durg in Miscellaneous Criminal Case No. 383/2015.
2. Vide the impugned order the Court below in a proceeding under Section 125 Cr.P.C. awarded Rs. 2500/- to Non-applicant No.1 and Rs. 2000/- each to Non-applicants No.2 & 3, totaling to Rs.

6500/-per month. It is this order which has been assailed by the present Applicant on the sole ground that amount of maintenance awarded is exorbitant and on higher side.

3. According to the Counsel for the Applicant the Court below has not properly appreciated the income of the present Applicant before deciding the quantum of the maintenance amount. Learned Counsel for the Applicant relied upon the document Annexure A/3 of the present Revision Petition which is the salary slip of the Applicant for the month of February, 2016, highlighting the fact that the gross salary of the Applicant was only Rs. 16000/- and his take home salary was Rs. 9700/- and therefore amount of Rs. 6500/- would be on higher side and beyond the paying capacity of the present Applicant.
4. He further submits that he is ready to pay the maintenance amount provided it is reasonable which can be afforded by him. In addition, he has also tried to emphasize the fact that there is also other responsibilities upon the applicant that of his brother and other family members, for which also he requires some amount and thus prayed for interfering with the quantum of the maintenance amount awarded by the Court below.
5. Having heard the contentions put forth by the Counsel for the Applicant what clearly reflects is the pay slip of the Applicant produced before this Court is of February, 2016. However, by virtue of introduction of the 7th Pay Commission, introduced in the month of August, 2016 there would have been a substantial increase in the salary of the Applicant which perhaps has been suppressed or not brought on record with an intention not to disclose his actual salary as

on date. The present Revision Petition has been filed in the month of November, 2016. There was no reason why the Applicant could not have produce the recent salary slip.

6. Another aspect which cannot be brushed aside is the fact that the two Non-applicants No. 2 & 3 are growing daughters of the present Applicant and both are school going also. If the educational expenses is to be taken in consideration and in addition, they have to bear rental expenses also, therefore if the rental and educational expenses are considered and if both the expenses are deducted from the maintenance amount, the amount left over would be too meager an amount for sustaining of each of the Non-applicants in the present day cost of living.
7. For the foregoing reasons this Court is of the opinion that there is no illegality or infirmity on part of the Court below in passing the impugned order.
8. Accordingly, the present Revision Petition deserves to be and is accordingly rejected.

Sd/-

**(P. Sam Koshy)
JUDGE**