

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1058 of 2016**

- Prakash Kumar S/o Mahesh Kumar Aged About 32 Years R/o Village Bortara, Police Station & Tahsil Gurur, District Balod Chhattisgarh

---- Applicant**Versus**

- Satyendra Kumar S/o Prakash Yadav Aged About 4 Years Minor, Through Natural Guardian Grand Mother Smt. Saroj W/o Ram Kumar Sahu, R/o Village Bortara, Police Station & Tahsil Gurur, District Balod Chhattisgarh.

---- Non-applicant

For Applicant

Mr. R. Verma, 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 05.10.2016 passed by the First Additional Principle Judge, Family Court, Balod in Miscellaneous Criminal Case No. 42/2014. Vide the said impugned order the Court below in a proceeding under Section 127 of the Cr.P.C has enhanced the maintenance amount which was earlier granted in favour of the Non-applicant from Rs. 1500/- to Rs. 3000/- per month.
2. Learned Counsel for the applicant assails the order of enhancement on two grounds. Firstly the enhanced amount of maintenance is on higher side and secondly the applicant does not have the paying capacity to maintain enhanced amount on account of the fact that he does not have a strong source of income so as to provide the

extended amount of the maintenance awarded by the Court below.

3. A perusal of the record would show that so far as the award of maintenance is concerned the same has attained finality as per the order dated 05.01.2011 in the original proceeding under Section 125 of the Cr.P.C.
4. The only issue in the present case which is to be adjudicated upon is whether the amount of maintenance enhanced by the Court below i.e. From Rs. 1500/- to Rs. 3000/- is justified or on higher side.
5. Indisputably, the age of the Non-applicant, the claimant before the Court below at the time of moving of the application for enhancement was 4 years and as on date he is 6 years of age i.e. he is a school going child and requirement and expenses of a school going child is anybody's guess. Further, the cost of living has also increased many fold from year 2011 to year 2016.
6. In the light of the periodical rise in the cost of living and the fact that Non-applicant is a minor as also is a school going child it cannot be said that the amount of money which has been enhanced by the Court below i.e. from Rs. 1500/- to Rs. 3000/- to be exorbitant or on higher side. Thus, this Court does not find any illegality or infirmity on part of the Court below in reaching to the said conclusion.
7. Accordingly, the present Revision Petition deserves to be and is accordingly dismissed.

Sd/-

**(P. Sam Koshy)
JUDGE**