

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1027 of 2015

1. Gajendra Sinha S/o Sarjuram Sinha, aged about 30 years, by Caste Kalar, Occupation- Driver, resident of Village Murkhusara, P.S. and Tahsil Charama, District North Bastar Kanker (CG)

**---- Applicant
(Non-applicant)**

Versus

1. Smt. Basanti Sinha W/o Gajendra Sinha, aged about 28 years Occupation- Aangan Badi Karyakarta, posted at Bharritola and also R/o Bharritola, P.S. and Tahsil Charama District North Bastar Kanker (CG)
2. Dhananjay Sinha S/o Gajendra Sinha, aged about 02 Years Minor Through Legal Guardian Mother Namely Smt. Basanti Sinha, Wife of Gajendra Sinha, aged about 28 years, Caste Kalar, R/o Bharitola, P.S. and Tahsil Charama, District North Bastar Kanker (CG)

---- Respondents

For Applicant:

Shri Manoj Mishra, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

25/01/2016

1. Heard on admission.
2. Challenge in this revision is to the order dated 13.10.2015 passed by the Family Court, Kanker in Misc. Criminal Case No.8/15 directing the applicant herein to pay monthly maintenance of Rs.1,500/- to respondent No.1 and Rs.2,000/- to the respondent No.2.
3. Counsel for the applicant submits that the family Court while passing the impugned order has not taken into consideration the averments made by him in the reply. He further submits that the Court below has also overlooked the fact that the respondent No.1 is working as Anaganbadi Worker and gets Rs.4,000/- per month as salary. The parents of the applicant are also dependent on him and therefore the maintenance awarded by the Court below in favour of the respondents is on the higher side. He further submits that the respondents have

failed to file any document in support of their averment that the applicant owns 8-10 acres of irrigated land.

4. The petitioner being the husband & father of the respondents respectively is bound to maintain them as he maintains himself though he may be unemployed. Most importantly, the present day going-up cost of living is also a universally faced phenomenon and in a case like in hand where apart from wife, a minor son is also there to pull on at least as a human being sticking to the minimum, the maintenance amount of Rs.1500 + 2000= Rs.3,500/- cannot be said to be too much. The Court below considering all the relevant aspects of the matter has rightly awarded the maintenance amount by the order impugned.
5. Consequently, I do not find any reason to interfere with the order impugned. The revision being without any substance is liable to be dismissed and is, accordingly, dismissed at the admission stage itself.

Sd/-
(Pritinker Diwaker)
Judge