

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 1022 OF 2015

Asha Devi, D/o Faujdar Ram, aged about 32 years, R/o Q. No. 75/A, H.S.C.L. Colony, Ruaabandha Sector, Bhilai Nagar, Thana Sector 6, Bhilai, Tehsil Durg, Civil and Revenue District Durg (C.G.)

... Petitioner

Versus

Anil Kumar Dhusiya, S/o Late Ramvraksha Dhusiya, aged about 44 years, R/o Q. No. 185, Camp 01, Jalebi Chowk, Thana Chawni, Bhilai, Tehsil Durg, Civil and Revenue District Durg (C.G.)

... Respondent

For Petitioner	:	Mr. Punit Ruparel, Advocate.
For Respondent	:	Mr. L.C. Dash, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/05/2016

1. The present revision petition has been preferred against the order dated 14.10.2015 passed by the Third Additional Principal Judge, Family Court, Durg, in Misc. Criminal Case No. 341 of 2014. By the said impugned order, the Court below has allowed the application of the Petitioner-wife filed under Section 127 of CrPC and directed the Respondent-husband to give maintenance to her at Rs.1200/- per month which was earlier Rs.850/- per month.

2. Brief facts of the case are that the Petitioner-wife had earlier moved an application under Section 125 of CrPC claiming maintenance from the Respondent-husband which was allowed and an amount of Rs.750/- per month was fixed to be paid to the Petitioner-wife by the Respondent-husband. The said monthly maintenance amount of Rs.750/- was subsequently enhanced to Rs.850/- per month in a proceeding under Section 127 of CrPC on 28.10.2007 in Misc. Criminal Case No.420 of

2007. Later on, in a further proceeding under Section 127 of CrPC, vide impugned order dated 14.10.2015 the Court below has further enhanced the amount of maintenance from Rs.850/- to Rs.1200/- per month. The Petitioner-wife has preferred the present revision petition for enhancement of the said monthly maintenance amount of Rs.1200/-.

3. Counsel for the Petitioner-wife submits that the income of the Respondent-husband from paragraph 12 of the finding of the Court below is evidently clear that he has an income of approximately Rs.10,000/- per month and of which maintenance amount of Rs. 1200/- per month is too meagre an amount and that with the said amount of Rs.1200/- it is very difficult for the petitioner-wife to maintain herself in today's cost of living which has gone up substantially.

4. Counsel for the Respondent-husband opposes the petition and submits that the order passed by the Court below is proper, legal and justified on account of the over all income of the Respondent and which does not warrant any interference.

5. However, taking into consideration the submission put forth by either side and on perusal of the record what is an admitted position which stands established from the evidence of the Respondent-husband himself is that he is working as a Supervisor with one of the road-lines and where he is stated to be drawing a salary of more than Rs.5000/- and based upon the said evidence and other evidence, the Court reached to the conclusion that admittedly the income of the Respondent reaches between Rs.8000/- to Rs.10,000/-. But, while granting maintenance the Court below has increased the maintenance amount from Rs.850/- to Rs.1200/- per month only which in the opinion of this Court is on the lower side.

6. Taking into consideration the income of the Respondent-husband as has been given in paragraph 12 of the impugned order, in the opinion of this Court, it is a fit case where the amount of maintenance payable to the Petitioner-wife deserves to be enhanced and the same is accordingly enhanced from Rs.1200/- to Rs.2000/- per month. It is made clear that the said amount of maintenance shall be prospective and would be effective from the date of order passed by this Court.

7. With that observation, the criminal revision is allowed.

Sd/-
(P. Sam Koshy)
Judge

/Sharad/