

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 895 of 2015

1. Pradeep Kumar Sahu, S/o Shri Pyarelal Sahu, aged about 36 years, Caste Sahu, R/o Shradha Nagar, Aamatalab Road, Dhamtari, Tahsil & District Dhamtari (CG).

---- Applicant

Versus

1. Smt. Swati Sahu, W/o Shri Pradeep Kumar Sahu, aged about 28 years.
2. Ku. Harshita Sahu D/o Shri Pradeep Sahu, aged about 4 years, through her legal guardian mother Smt. Swati Sahu,

Both R/o Shradha Nagar, Aamatalab Road, Dhamtari,

At Present R/o C/o R.P. Sahu, Shivaji Nagar Rudri Road, Infront of PHE Office, Dhamtari, Tahsil & District Dhamtari (CG).

---- Non-applicants

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CRR No. 920 of 2015

1. Smt. Swati Sahu, W/o Pradeep Kumar Sahu, aged about 28 years.
2. Ku. Harshita Sahu, D/o Pradeep Kumar Sahu, aged about 04 years, minor through natural guardian her mother Smt. Swati Sahu.

Both are R/o Shraddha Nagar, Amatalab Road, Dhamtari at presently residing at C/o R.P. Sahu, Shivaji Nagar, Rudri Road, Infront of P.H.E. Office, Dhamtari, Tahsil and District Dhamtari (CG).

---- Applicants

Versus

1. Pradeep Kumar Sahu S/o Pyarelal Sahu aged about 36 years R/o Shraddha Nagar, Amatalab Road, Dhamtari, Tahsil and District Dhamtari (CG).

---- Non-applicant

Shri Yogesh Pandey, Advocate for the applicant in Criminal Revision No.895/15 & for respondent in Criminal Revision No.920/15.

Shri Anil Gulati, Advocate for the applicants in Criminal Revision No.920/15 & for non-applicants in Criminal Revision No.895/15.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

12/01/2016

1. With the consent of the parties, both the revisions are heard finally. (Parties shall hereinafter be referred to as per their description before the Family Court.)
2. Since the above revisions have been filed against the order dated 27.8.2015 passed by the Judge, Family Court, Dhamtari in Misc. Criminal Case No.48/2014, the same are being disposed of by this common order.
3. The applicants have filed an application under Section 125 Cr.P.C. seeking maintenance of Rs.70,000/- per month contending, inter alia, that she married the non-applicant in the year 2007 and out of their wedlock, applicant No.2 was born in the year 2009. It has further been stated in the application that the applicant No.1 was subjected to cruelty for demand of dowry by the non-applicant and he compelled her to leave the house. It has further been stated that financial condition of applicant No.1 is not as such where she can maintain herself and applicant No.2, whereas the non-applicant is working as Shiksha Karmi Grade-I and gets Rs.30,000/- per month as salary. Apart from this, the non-applicant also earns about Rs.1 Lac per annum from his ancestral agricultural land and therefore they are entitled to receive maintenance as claimed by them.
4. The non-applicant filed reply to the said application disputing all the averments pertaining to demand of dowry and harassment etc. It has been stated in the reply that without any sufficient reason the applicant No.1 is residing separately and as such she is not entitled for any maintenance.
5. The Court below after hearing the parties in the matter and considering the material brought on record by both the parties, partly allowed the application filed under Section 125 of Cr.P.C. and awarded maintenance of Rs.3,000/- per month to the applicant No.1 and Rs.2,000/- per month to the applicant No.2.
6. Heard counsel for the parties and perused the material on record.
7. By filing Cr. Rev. No.895/15 the non-applicant has prayed for quashment of the order dated 27.8.2015 directing him to pay total maintenance of Rs.5,000/- (Rs.3,000 + 2,000) to the non-applicants. Whereas, by filing Cr. Rev. No.920/15 the non-applicants have prayed for enhancement of the maintenance amount

suitably.

8. It is settled position of law that the amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she used to when she lived with her husband and also that she does not feel handicapped in the prosecution of her case. At the same time, the amount so fixed cannot be excessive or extortionate.
9. In the order impugned a categorical finding has been recorded by the Court below that monthly salary of the non-applicant is about Rs.30,000/-. 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 daughter is also there to pull on at least as a human being sticking to the minimum, the maintenance amount of Rs.3,000/- + Rs.2,000/- = Rs.5000/- cannot be said to be too much. This is absolutely reasonable. Order of the Court below granting maintenance is thus left as it is without making even the slightest meddling with it.
10. Consequently, I do not find any reason to interfere with the order impugned. Both the revisions being without any substance are liable to be dismissed and is, accordingly, dismissed.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-