

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 665 of 2014

- Ashok Kumar Yadav S/o Manharan Lal Yadav Aged About 42 Years Occupation Service (Pharmacist), SECL, Dipika Hospital, R/o Gevra Project Dipika PS Dipika, Korba, Civil And Rev. Distt. Korba C.G.

---- Revisioner

Non-applicant

Versus

1. Smt. Sheelu Yadav W/o Ashok Kumar Yadav Aged About 35 Years
2. Aditya Yadav S/o Ashok Kumar Yadav Aged About 10 Years Minor Through Natural Guardian Mother Smt. Sheelu Yadav, W/o Ashok Kumar Yadav, Present Address C/o Lalit Yadav, Near Mahila Thana, Masanganj, Civil and Revenue District Bilaspur (CG)

---- Respondents

applicants

For Revisioner : Mr. YC Sharma, Advocate.
For Respondents : Ms. Neha Verma, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

05/01/2016

With the consent of the parties, the matter is heard finally. (Parties shall hereinafter be referred to as per their description before the Family Court.)

02. Present revision is directed against the order dated 28.5.2014 passed by Family Court, Bilaspur in Misc. Criminal Case No.457/13 allowing the application as filed by the applicants under Section 127 of

Cr.P.C. and enhancing the monthly maintenance amount from Rs.4000 to 6000/- in favour of applicant No.1/wife and from Rs.2000 to 3000/- in favour of applicant No.2/minor child.

03. Counsel for the non-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 liabilities of the non-applicant and enhanced the maintenance amount arbitrarily without any justification.

04. On the other hand, counsel for the applicants submits that the order impugned is strictly in accordance with law warranting no interference by this Court.

05. While determining the quantum of maintenance, the Court has to consider the status of parties, their respective needs, the capacity of the husband to pay having regard to his reasonable expenses for his own maintenance and of those he is obliged under the law and statutory but involuntary payments or deductions. 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.

06. Undisputedly, the non-applicant is working as Pharmacist in SECL. In the year 2013, he was allegedly drawing Rs.50,254/- per month as salary. Even assuming that his salary as on date is around the same figure, the order impugned enhancing the maintenance from Rs.6000/-

to Rs.9000/- cannot be termed as excessive or unreasonable. The Court below considering all the relevant aspects of the matter including the financial status of the non-applicant and his paying capacity, has rightly enhanced the maintenance amount by the order impugned.

07. 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.

Sd/

(Pritinker Diwaker)

Judge

Khan