

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 98 OF 2016

Laxminarayan Patel S/o Shri Sampat Lal Patel, aged about 36 years, R/o Mudabhata, Jongra, Police Station & Tahsil-Sakti, Civil & Revenue District Janjgir-Champa (C.G.)

... Petitioner

Versus

1. Smt. Anjana Patel, W/o Laxminarayan Patel, aged about 33 years, R/o Charbhata, Police Station- Kotra Road Raigarh, Tahsil Civil & Revenue District- Janjgir-Champa (C.G.)

2. Ku. Sarita D/o Laxminarayan Patel, Minor aged 11 years, R/o Charbhata, Police Station- Kotra Road, Raigarh, Tahsil, Civil and Revenue District Janjgir-Champa (C.G.)

... Respondents

For Petitioner	:	Ms. Meena Ansari, Advocate.
For Respondents	:	Mr. H.S. Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/05/2016

1. By way of the present criminal revision, the order dated 19.1.2016 is under challenge. Vide the impugned order dated 19.1.2016, the Family Court, Raigarh in Criminal M.J.C. No. F-111/2015 has allowed the application under Section 127 CrPC enhancing the maintenance payable to the Respondents by the Petitioner from Rs.1000/- each to Rs. 2000/- each.

2. Counsel for the Petitioner submits that in the instant case there was no substantial ground made out by the Respondents before the Court below for enhancing the compensation paid. She further submits that there is no increase in the source of income of the Petitioner for which reason also the maintenance amount could not have been enhanced. She also submits that on the contrary the Petitioner has made repeated efforts for conciliation with the Respondents and he wants to stay with the

Respondents which the Respondent-wife is deliberately avoiding and she is only harassing the Petitioner by moving the said application for enhancement of the maintenance and therefore prays for quashment of the impugned order.

3. Counsel for the Respondent however submits that admittedly on 14.8.2006 the application under Section 125 CrPC granting maintenance was allowed and the Court below had granted maintenance of Rs.1000/- each to the Respondents. He further submits that now after about 10 years of time the cost of living has also enhanced and the source of income of the Petitioner has also got enhanced and that Respondent No.2 who is a minor is now studying in Class 6 and therefore the expenses of the Respondents also have increased and therefore the application under Section 127 CrPC was moved by the Respondents and which has rightly been allowed by the Court below and hence it does not call for any interference.

4. Considering the total facts and circumstances of the case particularly the reasons which have been given by the Court below in allowing the application under Section 127 CrPC, this Court does not find any good ground for interference in the impugned order also for the reason that the maintenance amount enhanced also does not appear to be exorbitant as it is only Rs.2000/- each which has been awarded to the Respondents which in today's cost of living cannot be said to be on the higher side.

5. For the said reasons, the criminal revision being devoid of merit the same is dismissed.

Sd/-
(P. Sam Koshy)
Judge