

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 381 of 2016**

Smt. Neelam Barman W/O Shri Leela Ram Barman Aged About 29 Years R/O Vijaypur (Boirdadar), Tahsil & District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh

---- Applicant

Versus

Leela Ram Barman S/O Kaliram Barman Aged About 32 Years Occupation Teacher I T I College Raigarh, R/O Vijaypur (Boirdadar) Tahsil & District Raigarh, Chhattisgarh.

-----Non-Applicant

For Applicant:
For Respondent:

Shri Manoj Kumar Sinha, Advocate.
None.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

29.4.2016

1. The present Revision has been preferred challenging the order dated 14.1.2016 passed by the Family Court, Raigarh in M.Cr.C. No.F-55/2014 whereby the Court below has, in a proceeding under Section 125 Cr.P.C, awarded maintenance of Rs.5,000/- per month to the Applicant.
2. Learned Counsel for the Applicant submits that the award passed by the Court below is too meagre an amount considering the salary the Non-Applicant is drawing. He further submits that the Non-Applicant is working as a teacher at ITI College, Raighr and is earning a salary of Rs.40,000/- per month, therefore the amount awarded is on the lower side.
3. Having considered the submissions of Learned Counsel for the Applicant and also on perusal of record, what appears is the fact that the Court below has taken note of all the contentions of the Applicant and found the fact that the take home salary of the Non-Applicant is only Rs.25,000/- and has

therefore awarded an amount of Rs.5,000/- as maintenance to the Applicant. In addition, another aspect which has to be borne in mind is the finding given by the Court below that the son born from the wedlock of the Applicant and Non-Applicant is staying with the Non-Applicant/husband and is being brought up by his father itself. Thus, in the opinion of this Court, there is no illegality or infirmity in the finding of the Court below calling for no interference.

4. In view of the above, the instant Revision being devoid of merits, is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE