

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL REVISION NO. 921 of 2015**

- Bhageloo Ram Patre S/o Derha Ram Patre Aged About 55 Years Wrongly Mentioned Surname Ratre In Family Court, r/o Village - Kukradih, Police-Station-Tumgaon Present Address - Government Girls Primary School Bhoring District - Mahasamund Chhattisgarh

----Applicant**Versus**

1. Smt. Kumari Bai W/o Bhageloo Ram Patre Aged About 47 Years
2. Akansha D/o Bhageloo Ram Patre Aged About 17
3. Alisha D/o Bhageloo Ram Patre Aged About 15 Years,
4. Priyanjal D/o Bhageloo Ram Patre Aged About 10 Years

(Respondents No. 2 to 4 are Minors Natural Guardian is mother-respondent No.1)

Above all the respondents/non-applicants are resident of rd No. 5, Railway Colony Shankar - Nagar District Mahasamund Chhattisgarh.

---- Respondents

For Applicant : Shri BL Sahu, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/06/2016**

1. Challenge in this revision is to the order dated 30.07.2015 passed by the Judge, Family Court, Mahasamund, in MJC Case No.22 of 2015. By way of said order, the court below has enhanced the maintenance amount awarded to the respondents, inasmuch as, the non-applicant No.1 who was earlier awarded Rs.5000/- has been enhanced to Rs.10,000/- whereas, in respect of

respondents No.3&4 the award amount has been enhanced from Rs.2000/- to Rs. 3500/-each.

2. Learned counsel appearing for the applicant assailing the impugned order submits that the enhanced amount of award is too excessive and therefore he is unable to bear the same. He submits that admittedly, the applicant is a government teacher and he has his own liabilities that of spending money on his medical expenses as he is suffering from Blood Pressure and Sugar . In addition, there are also other outstanding dues to the department for which also deductions are being made and as such, the net salary which the applicant is receiving is only Rs.40-41 thousands and from which, as per the impugned order, Rs.17000/- would have to be paid to the respondents which is unreasonable and is on higher side.
3. It is further submitted that by efflux of time, the respondent No.3 has also attained the age of majority, therefore, as of now she would also not be entitled for any maintenance.
4. A perusal of record clearly shows that there is a willful negligence on the part of applicant in not sustaining his wife and children. Further, it is fairly admitted that net salary of the applicant is over Rs.40,000/- that means even if an amount of Rs.17,000/- as ordered by the court below is deducted, the applicant would still have approximately Rs. 25,000/- for his personal expenses. A perusal of case details would also show that the respondent No.1 is wife and others are grown up daughters of the applicant. Necessity of grown up daughters increase day by day particularly taking into consideration the expenses towards education and other daily needs.
5. In the opinion of this court, there is no illegality committed by the court below

in allowing the application under Section 127 Cr.P.C. in favour of the respondents, neither does this court feel that the amount awarded is too exorbitant which the present applicant would not be able to bear with.

6. In view of the foregoing reasons, the revision being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

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