

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.212 of 2016**

D. K. Saraf S/o C.P. Saraf Aged About 48 Years R/o Village Kirari, Police Station & Tahsil Masturi, District Bilaspur, Occupation Teacher, Presently Posted At B.T.I. Bilaspur, Head Master, Govt. Girls Primary School, Juna Bilaspur, District, Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. Smt. Deepawali Saraf W/o D.K. Saraf Aged About 45 Years R/o Baloda, District Janjgir Champa, Chhattisgarh.
2. Ku. Sneha Saraf D/o D.K. Saraf Aged About 23 Years R/o Baloda, District Janjgir Champa, Chhattisgarh.
3. Ku. Nidhi Saraf D/o D.K. Saraf Aged About 20 Years R/o Baloda, District Janjgir Champa, Chhattisgarh.
4. Subham Saraf S/o D.K. Saraf Aged About 18 Years R/o Baloda, District Janjgir Champa, Chhattisgarh.

-----Non-Applicants

For Applicant:

Shri Rishi Sahu, Advocate.

For Non-Applicants:

Shri Shailendra Sharma, Advocate.

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

23.8.2016

1. Heard on IA No.1/2016 for condonation of delay in filing the instant Revision.
2. For the reasons stated therein, the same is allowed. Delay of 56 days in filing the instant Revision is hereby condoned.
3. By way of the present Revision, the Applicant has challenged the order

passed by the Family Court, Janjgir-Champa, in Criminal MJC No.255/2014 dated 1.10.2015. Vide the said impugned order, the Court below, in a proceeding under Section 127 Cr.P.C, has enhanced the payment of maintenance part from Rs.2,000/- payable to each of the Non-Applicants to Rs.4,000/-.

4. Learned Counsel for the Applicant submits that the only ground for challenge in the present Revision is that the said amount enhanced by the Court below is beyond the paying capacity of the Applicant and that his salary has not increased in such magnitude that the Court below ought to have enhanced the maintenance by doubling the same what it had earlier granted in the year 2011. However, on a query being put to learned Counsel for the Applicant, he submits that in the year 2011, the salary of the Applicant was Rs.28,200/- and now while the application under Section 127 Cr.P.C was being considered, his gross salary was Rs.51,341/- and the net salary that he used to take home was Rs.45,737/-. This fact by itself clearly reflects that the salary of the Applicant has been doubled during this period and if the salary of the Applicant has been doubled, then there is no reason to doubt the order of maintenance enhanced by the Court below from Rs.2,000/- to Rs.4,000/- payable to each of the Non-Applicants.

5. Learned Counsel for the Non-Applicants opposed the Revision.

6. Having considered the submissions made by learned Counsel for the Applicant as also the fact that there is a substantial increase in the salary of the Applicant which fact has been given weight by the Court below while enhancing the maintenance part. Thus, in the opinion of this Court, there is no illegality or infirmity has been committed by the Court below while allowing

the application under Section 127 Cr.P.C.

7. Thus, the instant Revision Petition being devoid of merits, the same is accordingly rejected.

Sd/-

(P. Sam Koshy)

JUDGE