

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 963 of 2015**

1. Ratandeep Temre S/o Naamdev Rao Temre, aged about 45 years, R/o House No. 14, Shastri Nagar, Camp -1, Bhilai, Tah. & Distt. Durg, P.S. Bhilai, Civil & Rev. Distt. Durg, Chhattisgarh.

---- Applicant

Versus

1. Smt. Alka Temre, W/o Ratan Deep Temre, aged about 41 years, through Shri Kalicharan Somdavale, R/o Kampa Lodhipara, Near F C I, Raipur (CG).

---- Non-applicant

For the applicant:

Shri A.K. Prasad, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

14/01/2016

1. Heard on admission.
2. Present revision is filed by the applicant herein against the order dated 7.10.2015 passed by the Family Court, Raipur in Cr. M.J.C. No.699/14 partly allowing the application filed by the non-applicant herein under Section 127 of Cr.P.C. and enhancing the monthly maintenance amount from Rs.3,000/- to Rs.8,000/-.
3. Brief facts of the case are that the application filed by the non-applicant herein under Section 125 Cr.P.C. has been partly allowed by the Family Court and monthly maintenance of Rs.2,000/- was awarded to her. Thereafter the non-applicant has preferred an application under Section 127 Cr.P.C. seeking enhancement of the aforesaid maintenance amount. The Court below vide order dated 14.12.2010 has partly allowed the said application and enhanced the monthly maintenance amount from Rs.2,000/- to Rs.3,000/-. On 2.12.2014 the non-applicant has again moved an application under Section 127 Cr.P.C. for enhancement of

maintenance amount and this application has also been allowed in part by the Court below and monthly maintenance amount has been enhanced from Rs.3,000/- to Rs.8,000/-.

4. Counsel for the applicant submits that the Court below 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.
5. Heard counsel for the applicant and perused the material on record.
6. 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.
7. Indisputably, the non-applicant is working as Senior Charge Man in the Bhilai Steel Plant and drawing Rs.48,000/- per month as salary. Thus, considering the financial status of the non-applicant and hike in the price index, the Court below has enhanced the maintenance amount from Rs.3,000/- to Rs.8,000/-, which appears to be just & proper and cannot be termed as excessive or unreasonable.
8. 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 in limine.

Sd/-
(Pritinker Diwaker)
Judge