

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 243 of 2016**

Mohd. Yusuf Hussain S/o Shri Gayur Hussain Aged About 34 Years R/o Ring Road No. 2, Infront Of Sahara Nursing Home, Chandela Nagar, Police Station Civil Lines, Tahsil, Civil & Rev. District Bilaspur Chhattisgarh.

---- Applicant

Versus

1. Smt. Shirin Beg D/o Mirza Jahur Beg Aged About 31 Years W/o Mohd. Yusuf Hussain R/o Near City Man Tailors Rajendra Nagar, Police Station Civil Lines, Tahsil, Civil & Revenue District Bilaspur Chhattisgarh.
2. Anam Fatima D/o Mohd. Yusuf Hussain Through Mother And Natural Guardian Smt. Shirin Beg, R/o Near City Man Tailors Rajendra Nagar, Police Station Civil Lines, Tahsil, Civil And Rev. District Bilaspur Chhattisgarh.

-----Non-Applicants

For Applicant:	Shri Kripesh G. Kela, Advocate.
For Non-Applicant:	Shri Dharmesh Shrivastava, Advocate.

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

12.5.2016

1. Heard on IA No.1 condonation of delay in filing the Revision Petition.
2. On due consideration of the reasons mentioned in the application, the same is allowed. Delay in filing the Revision Petition is hereby condoned.
3. By way of the present Revision Petition under Section 19(4) of the Family Courts Act, 1984, the Applicant has challenged the order dated 7.12.2015 passed by the Presiding Judge of the Family Court, Bilaspur, in MJC No.686/2014. By the said impugned order, the Court below has entertained application under Section 127 Cr.P.C filed by Non-Applicants No.1 & 2 enhancing the maintenance to the tune of Rs.5,500/- by enhancing maintenance amount payable to Non-Applicants No.1 from Rs.1,500/- to Rs.2,500/- and Rs.3,000/- to Non-Applicant

No.2 per month as maintenance amount.

2. Learned Counsel for the Applicant submits that the finding of the Court below in awarding Rs.5,500/- to Non-Applicants No.1 & 2 is exorbitant and that the source of income of the Applicant has not been properly appreciated and considered by the Court below while granting the maintenance.

3. Learned Counsel for Non-Applicants also opposing the Petition submits that the order of the Court below by itself is very speaking and that it cannot be said that the maintenance amount of Rs.2,500/- to Non-Applicant No.1 and Rs.3,000/- to Non-Applicant No.2 is exorbitant.

4. From the perusal of the records and an admitted position as reflected from the evidence led by Petitioner that he is carrying out business of property dealing and that his father was also a dealer in Real Estate and therefore considering the fact that he is in the business of Real Estate, the Court below has granted maintenance amount of Rs.5,500/-.

5. Accordingly, in the opinion of this Court, it cannot be said that the maintenance amount granted by the Court below is exorbitant or on the higher side taking into consideration the cost of living today. The finding of the Court below also cannot be said to be contrary to the evidence which has come on record, calling for any interference.

6. In view of above, the instant Revision Petition, being devoid of merits, the same is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE