

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 350 of 2016**

Mohd. Hanuj S/o Mohammed Hussain Aged About 49 Years R/o. Qr. No. 8/a, Street No. 30, Nandini Mines, Bhilai, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

1. Usha Sharma @ Sahin W/o Mohdl Hanuj Aged About 34 Years At Present R/o. Tata Line, Kohka Chowk, Bhilai, Tahsil And Distt. Durg Chhattisgarh.
2. Mohd. Sahil Present Name Ansh Sharma S/o Mohd. Hanuj Aged About 7 Years Through Natural Guardian Mother Usha Sharma, At Present R/o. Tata Line, Kohka Chowk, Bhilai, Tahsil And Distt. Durg Chhattisgarh.

---- Non-Applicants

For Applicant: Smt Savita Tiwari, Advocate.

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

22.4.2016

1. The present revision has been preferred under Section 19(4) of the Family Courts Act challenging the order dated 2.2.2016 passed by the 3rd Additional Sessions Judge, Family Court, Durg whereby the Family Court has enhanced the maintenance amount earlier granted to Non-Applicant No.2 from Rs.1,000/- to Rs.2,500/-.

2. Learned Counsel for the Applicant submits that there is a serious dispute on the paternity part of Non-Applicant No.2. Non-Applicant No.1 was not in good terms for the past 15 years and that Non-Applicant No.1 had deserted the Applicant in the year 2001 itself. Non-Applicant No.2 was born much after Non-Applicant No.2 had left the Applicant i.e. in the year 2005. It was contended by Learned Counsel for the Applicant that the Applicant is a

low paid employee and that it would be difficult for him to enhance the maintenance which has been awarded.

3. Taking into consideration the total facts and circumstances, particularly the fact that admittedly there was an order in favour of Non-Applicant No.2 on 22.12.2010 by the Family Court directing the Applicant to pay Non-Applicant No.2 a maintenance amount of Rs.1,000/-. The said order was till now being complied with and that it was only recently that the application for enhancement of the same has been filed and the Court below has enhanced the maintenance amount from Rs.1,000/- to Rs.2,500/-

4. There was a categorical pleading by Non-Applicant that the Applicant was a driver in the Bhilai Steel Plant and that he had much more earning than what has been projected. The fact that he is a driver at Bhilai Steel Plant has not been disputed.

5. Taking into consideration the minimum salary of an employee of the Bhilai Steel Plant, this Court is of the opinion that the enhanced amount of Rs.2500/- is neither exorbitant nor is on the higher side in any proportion.

6. In view of the above, this Court is of the opinion that no case is made out calling for interference. It is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE