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HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 399 of 2016**

Ramavtar S/o Dharmidas, aged about 39 years R/o Rahangi, PS Bodla, Distt. Kabirdham (CG).

---- PETITIONER**Versus**

1. Smt. Saroj Bai W/o Ramavtar, aged about 31 years.
2. Ku. Janki D/o Ramavtar, aged about 12 years Through natural guardian mother Smt. Saroj Bai W/o Ramavtar, aged about 31 years.

Both are R/o Village Rahangi presently R/o Village Chandalpur, Tehsil Bodla, Distt. Kabeerdham (CG).

---- RESPONDENTS

For Petitioner	:	Shri Rajendra Tripathi, Advocate.
For respondents	:	Shri Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11/07/2016**

1. Challenge in this revision is to the order dated 19.01.2016 passed by the Judge, Family Court, Kabeerdham, in Misc. Criminal Case No.403 of 2015 whereby the court below in a proceeding under Section 127 CrPC has enhanced the maintenance amount payable to the non-applicants from Rs. 1000/- to Rs.1500/- to non-applicant No.1 and from Rs.900/- to Rs.1100/- to non-applicant No.2.
2. Counsel for the applicant assailing the said order submits that the amount of maintenance enhanced by the court below is much beyond the paying capacity of the applicant, and therefore, prayed for recalling of the said order.

According to counsel for the applicant, the court below has not properly appreciated the evidence adduced by the applicant so far as his source of income is concerned.

3. A perusal of records would show that the present applicant is an employee of Bhoramdeo Sahkari Shakkar Utpadak Karkhana. The evidence of the accountant of the said Kharkhan has been recorded before the court below wherein there is a specific finding, based on document produced before the court, that the gross salary of the applicant is approximately Rs.8800/- and the net salary that he takes home is Rs.7780/-. This averment could not be rebutted by the counsel for the applicant while arguing the revision petition.
4. In view of specific findings of fact with regard to gross salary of the applicant being Rs.8800/-, in the opinion of this court if Rs.1500/- and 1100/- respectively (totaling Rs.2600/- per month) have been awarded to the non-applicants, by no stretch of imagination the same can be said to be exorbitant or on the higher side calling for interference. The order of the court below is a findings of fact based on evidence adduced before it and therefore, it cannot be said that the order impugned is bad in law or perverse.
5. For the reasons mentioned hereinabove, the petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
JUDGE