

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 584 of 2016

- Smt. Laxminbai W/o Panchram Sidar, Caste Gond (Schedule Tribe) Occupation – Nothing, R/o Village Rawankhondra, P.S. & Tah. - Pussour, Distt. Raigarh Chhattisgarh

---- Applicant

Versus

- Panchram Sidar S/o Late Girau Ram Sidar, Caste Gond (Schedule Tribe), Occupation - Government Teacher (ADIS), R/o Village Rawankhondra, Present R/o Near T. V. Tower Raigarh P.S, Tah. - & Distt. Raigarh Chhattisgarh

---- Respondent

For Applicant : Shri Vineet Kumar Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board By

28/06/2016

1. By way of the present revision petition vide order dated 03/10/2015 whereby the learned Family Court Raigarh in a proceeding under Section 127 of Cr.P.C. has enhanced the maintenance amount payable to the applicant from Rs. 1200/- to Rs. 3000/-.
2. The applicant in the present revision petition submits that the Court below had not properly appreciated the income part of the non-applicant and without appreciating the evidence which has been adduced by the Applicant, in a mechanical manner enhanced the amount marginally from Rs. 1200/- to Rs.3000/- whereas it should have been increased much more taking into consideration the income of the Non-applicant.
3. Counsel for the applicant further submits that even assuming the non-applicant was retiring w.e.f. 30/06/2016, then the substantial

amount which the non-applicant will receive by way of retiral dues in which also the present applicant should have got a share which has been ignored by the Court below.

4. However perusal the record clearly shows that the applicant has not been able to show the exact salary of the Non-applicant he is drawing and the fact that she was contented with the Rs.1200/- that was being paid to her since 2010 onwards and it is only in the year 2015 that she has moved an application for enhancement of maintenance amount of Rs.1200/- and taking into consideration the totality of the case the Court below has enhanced the amount by more than double the amount she has been getting i.e. Rs.1200/- the Court below has increased by another Rs. 1800/- and fixed the amount of maintenance to Rs. 3000/-.

5. Another aspect of the Court has appreciated is the fact that admittedly the non-applicant would be retiring on 30/06/2016 and after that he would be left only with pensionary income which would get substantially reduced as compared to the salary that he is receiving while in service and therefore the Court below has awarded Rs. 3000/- per month.

6. In the opinion of this Court the Court below has not committed any error on law on facts and nor can the order of the Court below said to be contrary to the evidence which has come on record. Accordingly, the present revision petition is dismissed being devoid of merit.

Sd/-

(P.Sam Koshy)
Judge