

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 688 OF 2016

Ravindra Kujur S/o . Rupan Say Aged About 38 Years , Caste Uraon, R/o. Vill. Paraghati, P.S. Kapu, Tah. & Distt. Raigarh (C.G.), Present R/o. Vetnory Hospital, Vill. Bataikela, P.S. Kansabel, Tah. & Distt. Jashpur, Civil and Revenue District Jashpur (CG).

... Petitioner

Versus

Smt. Phoolkunwari Kujur W/o . Ravindra Kujur Aged About 34 Years, Caste Uraon, R/o. Vill. Darrapara, P.S. Kapu, Tahsil & Distt. Raigarh (C.G.) At Present R/o. Vill. Bandiyakhar P.S. & Tah. Pattalgaon, Distt. Jashpur (C.G.)

... Respondent

For Appellant	:	Shri Ratnesh Agrawal, Advocate.
For Respondent	:	Shri JK Saxena, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

29.07.2016

1. The present petition has been preferred challenging the order dated 01.07.2016 passed by the Family Court, Jashpur in Misc. Criminal Case No.182 of 2015 whereby the Family Court in a proceeding under Section 127 CrPC had allowed the application and has enhanced the maintenance amount from Rs.2500/- to Rs.7500/- per month payable to the respondent.
2. Learned counsel for the petitioner has assailed the said order on the ground that the court below has not appreciated the fact that the order granting maintenance under Section 125 CrPC itself was under challenge before this court and which was pending consideration. It is further submitted that the enhancement has been

done by more than 200 percent which again is on the higher side and is not sustainable therefore, the same requires reconsideration.

3. It is also submitted that the court below has not appreciated the fact that respondent also is in the capacity and capable to sustain herself and as such she is not entitled for any enhancement of the same.
4. Having considered the argument of the counsel for the petitioner and on perusal of the record what is an admitted fact is that Rs.2500/- was allowed vide order dated 22.04.2014 taking into consideration the salary of the petitioner as it then was to be Rs.10,000/-. However, in the course of time, the salary of the petitioner itself has been increased manifold. A perusal of record shows that the petitioner infact is a Veterinary doctor and is working with the State Government and his present salary is more than 45,000/- per month. If at that time out of Rs.10,000/- the maintenance amount granted was Rs.2500/- and if the same ratio is applied then, for salary amount of Rs.45,000/-, the maintenance amount ought to have been granted more than Rs.10,000/-, but taking into consideration the fact that there were other statutory deductions from the salary of the petitioner and also considering the liabilities of the petitioner, the court below thought it proper for enhancement enhancing compensation to Rs.7500/-.
5. A perusal of the records and documents concerned what is reflected is that gross salary of the petitioner is approximately Rs.50,000/- as reflected in para-7 of the impugned judgment and therefore from the said amount if an amount of Rs.7500/- has been granted as

maintenance amount to the respondent-wife, it cannot be said to be on higher side. The fact that petitioner is a veterinary doctor, the wife also deserves to maintain minimum standard of life commensurate to the status of the petitioner.

6. Therefore, in the opinion of this court, the amount enhanced by the court below cannot be said to be exorbitant or on the higher side calling of any interference of this court.
7. Thus, the petition fails and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
Judge

inder