

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 684 of 2016**

Parmeshwar Verma S/o Late Jerman Verman Aged About 48 Years R/o Village Ganiyari P.S. Nandghat Tehsil And District Bemetara Chhattisgarh.

---- Applicant

Versus

Smt. Shivkumari W/o Parmeshwar Verma Aged About 43 Years Late Jerman Verman R/o Pragti Nagar Camp- 01, Roshnni Electrical, Jalebi Chowk, Bhilai Tehsil And District Durg Chhattisgarh.

---- Non-applicant

For Applicant:

Mr. S.K. Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.07.2016**

1. The challenge through the present Criminal Revision is the order dated 15.06.2016 passed by the Principal Judge, Family Court, Durg in Criminal M.J.C. No. 748/2015 whereby the Court below in a proceeding under Section 127 of the Cr.P.C. has enhanced the earlier maintenance amount granted on 19.11.2007 from Rs. 1500/- pm to Rs. 2500/- pm.
2. Learned Counsel for the Applicant assailing the impugned order submits that the Court below has not properly appreciated the fact that as on date the present Applicant has only 2 acres of land. Therefore, it is beyond the paying capacity of the Applicant to pay an amount of Rs. 2500/-pm. The Applicant has been regularly paying the amount of Rs. 1500/- as awarded by the Court below under Section 125 of the Cr.P.C.

on 19.11.2007.

3. He further submits that the Court below has also not appreciated the fact that Applicant has sold all the properties which were in his name and only land of 2 acres are left, which is not sufficient to sustain himself and the person dependent on him in addition the enhanced liability, as ordered by the Court below.

4. Considering the submissions put forth by the learned Counsel for the Applicant and also a perusal of the record what is apparent from the face of the record, and which is undisputed is the fact that the present Applicant was in fact an owner of 20 Acres of land at the time of allowing of the Application under Section 125 of the Cr.P.C. by the Court below. Subsequently, what he has done to the property, how much property has he sold, is not produced before the Court. There is also no sufficient material to establish how much property is left with him now. Even if for the sake of argument if it is taken note that he has sold the property, then what has he done with the income that he has received from the property he has sold. Further, what is also pertinent to take note of the fact that earlier order for grant of maintenance was issued almost 9 years back in 19.11.2007 and the cost of living in the course of time has grown manifold. Taking that into consideration, the order of the Court below enhancing the maintenance amount by Rs. 1000/- i.e. the maintenance amount enhanced is only about 30 rupees a day, it can not by any stretch of imagination be said to be exorbitant or on higher side.

5. Thus this Court is of the opinion that no strong case is made out calling for interference with the order passed by the Court below. Accordingly the present Revision Petition being devoid of merit, the same is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

kishore