

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRIMINAL REVISION No. 202 of 2016**

Ramlakhan S/o Late Shobha Sahu, aged about 50 years, R/o Village Talwapara, Post, Police Station & Tahsil Baikunthpur, District Korea Chhattisgarh

---- Applicant

Versus

Smt. Raimuniya Bai D/o Raghunandan, aged about 42 years W/o Ramlakhan, R/o Village Khada, Police Station Patna, Civil & Revenue District Korea, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent	:	Shri Pushpendra Patel, Advocate

Hon'ble Shri Justice P.Sam Koshy**Order On Board****07/12/2016**

Present revision petition has been preferred assailing the order dated 25.01.2016 passed by the Family Court, Baikunthpur in Misc. Criminal Case No. 175 of 2013 whereby the Family Court in a proceeding under Section 127 CrPC has enhanced the maintenance amount from Rs.800/- to Rs.1800/- per month.

2. Counsel for the applicant submits that the impugned order enhancing the maintenance amount from Rs.800 to Rs.1800 is without any strong and cogent reason. According to him, the Court below has not taken into consideration the fact that the applicant is a low paid employee and his take home salary is around Rs.13,000/- from which if Rs.1,800/- is ordered to be paid to the respondent as maintenance, it would be difficult for the applicant to maintain himself. Therefore,

prayed for setting aside of the the impugned award.

3. Having considered the contentions put forth by the counsel for the applicant and on perusal of the record what is undisputed in his evidence as admitted by the applicant is that he is working in PDW department and he is a permanent worker. He himself has admitted the fact that his salary is more than Rs.13,000/- per month though he has not produced the salary slip as the evidence.

4. Considering the fact that the applicant himself has admitted his salary to be Rs.13,000/- per month and from the said salary if the Court below has awarded Rs.1800/- as maintenance to the respondent, the same cannot be said to be exorbitant or on the higher side. However, the wife claimant had produced the salary slip showing the take home salary to be Rs.13,675/- in October, 2013. Thus, this Court does not find any illegality or infirmity on the part of the Court below in enhancing the maintenance amount from Rs.800/- to Rs.1800/- per month looking to the present day cost of living.

5. Thus, the present Criminal Revision being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
JUDGE