

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 979 of 2015**

1. Smt. Preeti Pahuja W/o Satpal Singh @ Prince Pahuja Aged About 31 Years
2. Avneet Kaur Pahuja, Aged About 10 Years Minor Natural Guardian Namely Mother Smt. Preeti Pahuja W/o Satpal Singh @ Prince Pahuja, aged about 31 years,
3. Ranpreet Kaur Pahuja, Aged About 5 Years, Minor Natural Guardian Namely Mother Smt. Preeti Pahuja W/o Satpal Singh @ Prince Pahuja, aged about 31 years,

All are R/o Sarthipara, Bahadur Ganj Ward, Near Transformer Kawardha, Post & P.S. Kawardha, Tah. Kawardha, Civil & Rev. Distt. Kabirdham, Chhattisgarh.

---- Petitioner

Versus

Satpal Singh Pahuja @ Prince S/o Gurubachan Singh Aged About 36 Years R/o Gurunanak Gate, Near Kawardha, Post, P.S. & Tah. Kawardha, Distt. Kabirdham, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Dharmesh Shrivastava, Advocate.
For Respondent	:	Shri Anand Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16/09/2016**

1. The present petition has been preferred by the petitioners seeking for modification of the order dated 28.10.2015 passed by the Family Court, Kawardha, in Misc. Criminal Case No.145/2015. Vide the said order, the Family Court, in a proceeding under Section 125 CrPC seeking for maintenance, had allowed the same granting maintenance amount of Rs.1500/- to the petitioner No.1 and

Rs.1000/- each to petitioners No.2&3, thereby totaling Rs.3500/- per month.

2. Learned counsel appearing for the petitioners submits that the said amount of maintenance awarded by the court below is on the lower side particularly taking into the account the fact that the petitioners had been able to establish the source of income of the respondent-husband before the court below and looking to the source of income of the respondent, the amount of maintenance awarded to the petitioners deserves to be enhanced substantially. Referring to paragraph 8 of the impugned judgment, it is submitted by the petitioners that the respondent has four Taxi Cars in operation. In addition, he also has got a Cycle Repairing Store. Therefore, the respondent-Husband has sufficient source of income and as such taking into consideration the cost towards education, medical and also standard of living, the amount of maintenance be enhanced.
3. Learned counsel appearing for the respondent, however, opposes the petition on the ground that the contents of paragraph-8, relied by the petitioner, is only the averment on behalf of the petitioners and there is no evidence adduced by the petitioners to substantiate their contention. He further submits that the petitioners infact are residing at the residence provided by the respondent whereas, the respondent in turn, is residing with his parents at his parental home. He further submits that taking into consideration the overall submissions which have come on record, the amount of maintenance granted by the court below is sufficient amount to maintain themselves, and therefore prayed for the rejection of the revision.

4. Having heard the rival contentions put forth on either side and on perusal of record, what is clearly reflected is that, there was certain documents which have been produced by the petitioners during the course of evidence in respect of certain vehicles which were operating as Taxi belonging to the family of the respondent-husband. Likewise, there is also admission on the part of respondent of residing in the same premises from where the cycle repairing store was also being operated by the respondent. In addition, before the court below there is also deposition of one Shiv Kumar, who is stated to be working as an employee under the respondent, that he is getting monthly salary of Rs.6000/-.
5. All these facts, if cumulatively be taken into consideration, it clearly reflects that the respondent has got sufficient source of income and from which the petitioners also would be entitled for the share. In addition, the petitioners also have the right to maintain a decent standard of living commensurate with that of the respondent-husband. When the employee of the respondent himself is getting a monthly salary of Rs.6000/-, anybody can guess the standard of living which the respondent would be living and therefore, the petitioners would also be entitled for having the same standard of living which they would have enjoyed if they had been staying with the respondent-husband.
6. In any case, this court is of the opinion that since the respondent-husband himself pays Rs.6000/- to one of his employee, there is no reason why the petitioners cumulatively be not entitled for at-least the money equal to the salary which the respondent is paying to his

employee which is Rs.6000/- per month.

7. All the more, the enhancement is called for as the petitioners No.2&3 are in their growing age and during their growing age their expenses towards education, medical and standard of living would be increased substantially. Therefore, taking into consideration the cost of education and other expenses required for a growing daughters, this court is of the opinion that the maintenance amount awarded by the court below was on the lower side which calls for interference.
8. Accordingly, the impugned order dated 28.10.2015 deserves to be and is accordingly modified to the extent that all the petitioners would be entitled for maintenance amount of Rs.2000/- each per month totaling Rs.6000/- from the date the court below has ordered for maintenance under Section 125 CrPC.
9. With the aforesaid modification, the petition stands allowed.

Sd/-

(P. Sam Koshy)
Judge