

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 885 of 2016**

- Munna Panda S/o Praful Panda Aged About 35 Years By Caste Brahmin (Panda), R/o Village Govindpur (Taratarni Junction), Thana & Tahsil Purushotampur, District Ganjam (Odisha)

---- Applicant**Versus**

- Smt. Savita Panda W/o Munna Panda Aged About 29 Years R/o Ward No. 20, Manendragarh, Near Laxmikant Jaiswal House, Thana & Tahsil Manendragarh, District Koriya Chhattisgarh

---- Non-applicant

For Applicant : Mr. Parag Kotecha, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****20/09/2016**

1. The present Revision Petition has been preferred by the Applicant assailing the order dated 09.08.2016 passed by the Presiding Judge, Family Court, Manendragarh in Misc. Criminal Case 130/2013. Vide the impugned order the Court below in the proceeding under Section 125 of CrPC allowing the same has granted an amount of Rs. 3000/- towards maintenance to the Non-applicant to be paid by the present petitioner husband.
2. Learned Counsel for the Applicant assailing the impugned order submits that the impugned order is bad in law on two counts; firstly

there is no justified reasons on part of the Respondent wife for leaving matrimonial home and secondly the quantum of maintenance awarded is on the higher side.

3. However, on perusal of the impugned order it is clearly reflected that there is ample evidence which has been brought on record by the Non-applicant wife as regards some sort of extra marital affair the Applicant was having with another lady. He had also kept her at his residence. This by itself is sufficient and strong ground for any wife to leave her matrimonial home. The contention of the Respondent wife also stands corroborated from the evidence of PW-3, Pramod Kumar. Therefore, the ground raised by the Applicant assailing the impugned order on this ground would not be sustainable. So far as the quantum of the maintenance amount awarded is concerned amount of maintenance awarded is only Rs. 3000/- per month which in the today's cost of living can not be said to be exorbitant or on the higher side.
4. If we divide the said amount to the number of days in a month, hardly it would come to Rs. 100/- per day which is bare minimum an amount with which any person could sustain in a day. So far as the ground of the Applicant that he is not having sufficient means to pay the maintenance amount granted by the Court below, in the opinion of this Court irrespective of the fact whether the husband has a good job or service, getting sufficient salary is not a criteria for quantum of maintenance to be decided. The maintenance has to be granted

taking into consideration the minimum amount required for sustenance of a person. If that is taken into consideration, this Court is of the opinion that amount of Rs. 3000/- is neither exorbitant nor on higher side calling for the impugned to be interfered with.

5. Accordingly, the Revision Petition being devoid of merits, the same is dismissed.

Sd/-

(P. Sam Koshy)
JUDGE