

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1038 of 2016**

Pratap Mandavi S/o Shri Bachchan Singh Mandavi Aged About 28 Years
Occupation - Driver, R/o Beldaar Para, Lohaar Naka, Behind Sharab Bhatti,
Kawardha, Police Station & Tahsil Kawardha, District Kabirdham
Chhattisgarh Civil & Revenue District Kabirdham Chhattisgarh.

---- **Petitioner**

Versus

1. Smt. Kaushar Jahan Alias Moni W/o Pratap Mandavi Aged About 25 Years
Occupation Housewife
2. Tanisha D/o Pratap Mandavi Aged About 6 Years Minor Through Her
Natural Guardian Mother Smt. Kaushar Jahan Alias Moni, W/o Pratap
Mandavi,
Both R/o Beldaar Para, Lohaar Naka, Behind Sharab Bhatti, Kawardha,
Police Station & Tahsil Kawardha, District Kabirdham Chhattisgarh.

---- **Respondents**

For Petitioner : Shri Malay Shrivastava and Shri Gagan Tiwari,
Advocates.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/11/2016**

1. The matter today is listed for orders on default of non filing of application for
condonation of delay. Counsel for the petitioner orally prays for condonation
of delay.
2. On due consideration, the oral prayer is allowed and delay in filing the
revision is condoned.
3. The present revision has been preferred against the order dated 30.06.2016
passed by the Family Court, Kabirdham in Misc. Criminal Case No.145/2016
whereby in a proceeding under Section 125 CrPC, the court below allowing
the application had ordered for payment of maintenance amount to the

respondent No.1-wife to the tune of Rs. 1300/- and in respect of respondent No.2, Rs. 800/-, totaling Rs.2100/- per month.

4. Learned counsel appearing for the petitioner assailing the impugned order submits that the court below has not properly appreciated the source of income of the respondent No.1 while awarding the maintenance amount. The award amount is exorbitant and the amount of maintenance awarded by the court below would make it beyond the paying capacity of the petitioner and he would find it difficult to maintain himself from the remaining amount if the said award is honoured. Therefore, the order impugned deserves to be interfered with and quashed.
5. Having considered the submission put forth by the petitioner and on perusal of records, what clearly reflects is the fact that the respondent No.1-wife has been able to establish her claim so far as having reasons for her to leave the matrimonial home and to stay separately. Now the only issue which remains is whether the amount awarded is exorbitant or is reasonable.
6. The amount of maintenance awarded to the respondent No.1-wife is Rs. 1300/-. If the said amount of Rs. 1300/- is divided into the number of days in a month, it would come only to around Rs.40/- a day which would be too paltry an amount to sustain for an individual. Further, what is otherwise reflected is the fact that respondent-wife is residing separately along with her minor daughter and it is anybody's guess as to what would be the minimum amount of money which would require for two persons which in the instant case is the respondent No.1 and her minor daughter for sustaining themselves taking into consideration the high cost of living in today's world. Thus, in the opinion of this court, the court below has not committed any

error of law while awarding the amount of maintenance payable to the respondent No.1 and her minor daughter.

7. For the foregoing reasons, this court does not find any illegality in the order passed by the court below awarding the amount of maintenance payable to the respondents. Accordingly, the petition fails and is dismissed.

Sd/-
(P. Sam Koshy)
JUDGE