

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRIMINAL REVISION NO. 55 of 2017**

Smt. Ranu @ Laxmi Basant W/o Amarnath Aged About 21 Years (Daughter Of Guharam Miri) Caste Satnami, R/o Village- Pindari, Tahsil & Police Station- Sarangarh, District- Raigarh, Chhattisgarh. At Present R/o House Of Guharam Miri, Barekel Khurd, Police Station & Tahsil- Pithora, District- Mahasamund, Chhattisgarh.

---- Petitioner**VERSUS**

Amarnath S/o Premlal Basant, Aged About 24 Years Caste Satnami, R/o Village Pindari, Tahsil & Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Petitioner

Shri Harish Khutia, Advocate

Hon'ble Shri Justice P.Sam Koshy

Order On Board

16/01/2017

1. For the reasons assigned in the application, IA No.1 for condonation of delay is allowed and delay in filing revision is condoned.
2. By way of this petition, the petitioner is assailing the order dated 30.06.2016 passed in Misc. Criminal Case No.13/2016. Vide the said order, the court below in a proceeding under Section 125 CrPC has allowed the same and have ordered for maintenance of Rs. 2000/- per month to be paid to the petitioner by the respondent from the date of order, which in the instant case is 30.06.2016.
3. Counsel for the petitioner submits that the present petition has been

filed only on the ground that the impugned order has not been made effective from the date of application under Section 125 CrPC, but has been made effective from the date of order.

4. It is further submitted that the maintenance amount granted is also on lower side as admittedly the respondent-Husband is working as a Peon in Pre Metric (Scheduled Caste) Boys Hostel, Pendri, Block, Sarangarh and his monthly salary is around Rs.6000/-, and therefore, the amount of maintenance deserves to be enhanced further.
5. Having heard the rival contention put forth by counsel appearing for the petitioner, so far as prayer for the order being made operative from the date of application under Section 125 CrPC is concerned, this court does not find any strong reason for the change of the applicability of the impugned order for the reason that from the record it is reflected that the application for maintenance under Section 125 CrPC was filed on 20.01.2016 and the impugned order has been passed on 30.06.2016 i.e. in just about 5 and ½ months time and it was perhaps for this reason which made the court below mentioning that the order would be prospective.
6. So far as enhancement of maintenance is concerned, the salary slip which the petitioner has in his possession shows that the respondent-Husband is working as a Peon on contractual basis and his monthly salary is around Rs.6000/- and of which the court below has ordered for payment of Rs.2000/- per month i.e. 1/3rd of his salary, as maintenance to the petitioner-wife and as such it cannot be said that

the award amount is on the lower side and needs further enhancement taking into consideration the income of the respondent-Husband.

7. Thus, in the opinion of this court, no strong case has been made out for modification of the order impugned or for any enhancement in the award amount. The petition being devoid of merit is liable to be and is accordingly dismissed.

**Sd/-
(P.Sam Koshy)
JUDGE**