

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 160 of 2017**

Lal Singh (Lalaram) son of Lakhan Lodhi aged about 59 years, resident of village Daganiya, Police Station Khamhariya, Tehsil Thana, Khamariya, District Bemetara (CG).

---- Applicant

Versus

Damini Bai, wife of Lal Singh, aged about 53 years, resident of village Chikhali, Tehsil Saja, District Bemetara (CG).

---- Respondent

For Applicant : Shri PP Sahu and Shri RK Pali, Advocates.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/02/2017**

1. The present revision has been preferred assailing the order dated 21.12.2016 passed the Illrd Additional Principal Judge, Family Court (Circuit Court) Bemetara, in Misc. Criminal Case No.121/2014. Vide the said impugned order, the court below in a proceeding under Section 127 CrPC has allowed the application and has enhanced the maintenance amount payable to the respondent from Rs.800/- to Rs. 1500/- per month.
2. Assailing the said order, learned counsel appearing for the applicant submits that the amount enhanced is bad for the reason that the respondent in the instant case has got sufficient agricultural land of more than 4 Acres with which she can sustain livelihood. In addition, she is also getting Rs.350/- per month under the scheme Sukhad Sahara Yojana from the government. Therefore, there was no need for enhancement of the amount of maintenance which was awarded to the respondent. It was further contended by the counsel for the applicant that the applicant does not have regular source of income to

meet the award passed by the court below.

3. A perusal of record would show that initially application under Section 125 CrPC was filed against the present applicant some 11 years ago and the order was passed for maintenance to the respondent-wife for an amount of Rs.800/- per month. The said order, by efflux of time, has attained its finality and the amount was being paid regularly by the applicant. It is now after 11 years that the respondent-wife has moved an application under Section 127 CrPC for enhancement of maintenance amount which was granted sometime 11 years ago.
4. The court below taking into consideration the entire factual matrix of the case and also the financial status of the present applicant has enhanced the amount only by Rs.700/- by adding Rs. 700/- to Rs.800/- which the applicant was already paying. Thus, after enhancement, total award amount comes to Rs.1500/- only per month.
5. If all these facts are taken into consideration and also taken note of, the amount of maintenance i.e. Rs.1500/- per month, it would clearly reflect that per day maintenance amount comes to only Rs.50/- which in the opinion of this court would be too meager an amount with which a person can maintain a decent standard of living in today's cost of living.
6. Thus, the petitioner fails to make out a strong case to interfere with the award impugned. The revision being devoid of merit is liable to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
Judge