

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 185 of 2017**

Hemant Singh Kanwar S/o Ramlal Kanwar, aged about 35 Years, Caste Kanwar, R/o Village Korkoma, Post Office Korkoma Chowki, Rajgamar, Police Station Balconagar, (wrongly mentioned as Baconagar in the Certified Copy of 26.11.2016) District Korba Chhattisgarh

---- Applicant

Versus

Smt. Uma Bai W/o Hemant Bai Kanwar, aged about 30 years, Caste Kanwar, R/o Village Korkoma, Post Office, Korkoma Chowki, Rajgamar, Police Station Balconagar, District Korba Chhattisgarh at Present R/o Village Kerakachhar, Post Office Kendrapali (Bhaisma) Police Station Kartala, Tahsil Kartala District Korba, Chhattisgarh

---- Respondent

For Applicant : Shri K. P. Sahu, Advocate.

Hon'ble Shri Justice P.Sam Koshy**Order On Board****15/02/2017**

The present Criminal Revision has been preferred assailing the order dated 26.11.2016 passed in M.J.C No. 152 of 2015 whereby the Family Court, Korba in a proceeding under Section 125 CrPC has allowed the application and ordered for payment of Rs.1,500/- as monthly maintenance to the respondent.

2. Counsel for the applicant submits that he intends to assail the impugned award only on the ground that the applicant does not have sufficient source of income for providing the said maintenance amount to the respondent. The applicant does not have any landed property with which he could provide the said

amount. The applicant also does not have any employment to earn enough money to make payment of the maintenance amount awarded by the Court below. Hence, counsel for the applicant prayed for setting aside of the impugned order.

3. Having considered the facts and circumstances of the case and on perusal of the record what is reflected is that the marriage between the applicant and the respondent is not in dispute. It has also come before the Court below that there has been justified reasons for the respondent to leave the matrimonial home. Now coming to the question of quantum of maintenance awarded by the Court below which is only Rs.1,500/- per month. If the said amount is distributed by 30 days, it falls only Rs.50/- a day which is too meager an amount for a person to sustain particularly taking into consideration today's cost of living. Further, the ground of the applicant not having any employment or any source of income is not a strong ground for setting aside the maintenance award. There is no reason for the applicant not to earn enough money for giving a decent standard of living and for his family's sustenance.

4. Thus, this Court does not find any illegality or infirmity on the part of the Court below in awarding Rs.1,500/- per month as maintenance to the respondent looking to the present day cost of living.

5. Thus, the present Criminal Revision being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P.Sam Koshy)
JUDGE