

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 434 of 2017

Sharad Kumar Singh S/o Satish Kumar Singh, Aged About 37 Years
R/o Qtr. No. C / 12, Staf Quarter Charcha Colony, Baikunthpur, District
Koria, Chhattisgarh.

----Applicant

Versus

1. Ku. Tiya Singh D/o Sharad Kumar Singh Aged About 5 Years
Through Natural Guardian Mother Smt. Deepa Singh W/o Sharad
Kumar Singh, R/o Junior M.I.G. 2/802 Housing Board Colony Industrial
State Bhilai, District Durg, Chhattisgarh.

2. Ku. Diya Singh D/o Sharad Kumar Singh, Aged About 3 Years
Through Natural Guardian Mother Smt. Deepa Singh W/o Sharad
Kumar Singh, R/o Junior M.I.G. 2/802 Housing Board Colony Industrial
State Bhilai, District Durg, Chhattisgarh.

---- Respondents

For applicant - Shri Rajendra Kumar Patel, Advocate.
For respondents- Ms. Kiran Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2017

1. Heard.
2. Instant petition is against the order dated 19/12/2016 whereby the learned court below after hearing the parties has enhanced the maintenance amount to the two minor children from Rs.800/- each to Rs.1500/- each.
3. Instant petition is also delayed by 29 days.
4. Heard on application for condonation of delay in filing the petition.
5. For the reasons stated in the application, delay of 29 days in filing the petition is condoned.
6. Heard on admission.
7. Perusal of the order would show that an application was filed by two minor children who are now aged about 5 years and 3 years against the father to enhance the maintenance amount of Rs.800/- on the ground that they have started going to school and with the change of time and inflation of the price they are unable to maintain themselves. Consequently,

enhancement was prayed.

8. Learned counsel for the petitioner would submit that divorce has already been affected in between the petitioner and his wife and thereafter petitioner have also remarried and out of that children has been begotten. Consequently, amount of enhancement given to the children is wrong and no evidence has been placed to show that they are unable to maintain themselves. Consequently, order dated 19/12/2016 may be set aside.

9. Per contra, learned counsel for the respondents would submit that initially when the order was passed in 2013 children were 6 months and about 3 years. Subsequently, now they have started going to school and as such with the change of time and the price increase in the commodities increase of Rs.1500/- per children cannot be stated to be exorbitant. Therefore, no interference is called for.

10. Perusal of the order shows that initially in the year 2013 Rs.800/- to each of the children numbering into two is granted by an order dated 2/01/2013, therefore presently 4 years have already passed. Order also reflect that time when initial order was passed for maintenance children were about 2 years and another was of 6 months. After lapse of 4 years it can be very well presumed the increase of the price index and increase in price of the commodities coupled with the fact that as appears children have attained the age to go to school. Considering the same, increase of Rs.1500/- from Rs.800/- to each children do not appears to be exorbitant or inflated. Considering the same, no case is made out for admission on merit.

11. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE