

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 447 of 2017**

Pramod Wasnik S/o Devidas Wasnik Aged About 50 Years Caste Mahar Present R/o Trimurti Chowk Sundar Nagar Quarter No. 126 Raipur, Chhattisgarh.

---- Applicant

Versus

Goutam Wasnik Aged About 14 Years Guardian Through Smt. Anita Wasnik Aged About 45 Years W/o Pramod Wasnik Caste- Mahar Present R/o Rajendra Nagar Ward Jagdalpur District- Bastar, Chhattisgarh.

---- Respondent

For applicant - Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****03/05/2017**

1. This revision is preferred against the order dated 22/02/2017 whereby Family Court, Bastar has enhanced amount of maintenance from Rs.1000/- to Rs.3000/- to the non-applicant Goutam Wasnik and in earlier round of litigation petition was preferred under Section 125 of Cr.P.C. by Smt. Anita Wasnik against present applicant which was decided on 5/08/2003 in Case No.1/2002 by JMFC, Jagdalpur wherein amount of Rs.1000/- as maintenance was awarded in favour of the wife and son each. Subsequently, said order was subject of challenge before the Additional Sessions Judge, Bastar by way of revision and the Additional Sessions Judge, Bastar maintained the award of Rs.1000/- which was granted to the non-applicant son while in respect of the wife same was annuled. Thereafter, the non-applicant Goutam Wasnik who is son who is still minor filed an application under section 127 of the Cr.P.C. for enhancement of the maintenace award. The Family Court thereafter after evaluating the facts and evidence has enhanced Rs.1000/- which was

granted in 2003 to Rs.3000/- in favour of the non-applicant. Against such order this revision is filed.

2. Learned counsel for the applicant would submit that order impugned is completely illegal and without any rhyme or reason award has been enhanced, therefore same cannot be sustained. It is stated that further no evidence was placed before the court to enhance the amount of maintenance and only on presumption maintenance has been enhanced. Therefore, same be set aside.

3. Perused the order dated 22/02/2017. Perusal of the award would show that on 5/08/2003 the applicant was directed to pay maintenance of Rs.1000/- per month which was payable till 10th of each month. Subsequently, an application under Section 127 of Cr.P.C. was filed to enhance the award of maintenance. Perusal of the award would reflect that non-applicant son who is still minor aged about 14 years wanted to take admission in class 9th and wanted to prosecute better studies, therefore the earlier maintenance was prayed to be enhanced. The applicant/father stated that he is working as Sub Registrar in the office at Mahasamund and receiving amount of Rs.60,000/- and three son are being imparted education, apart from that loan which is obtained for the house is also being paid. Identity of the non-applicant is not been disputed that Raja @ Bittu is Goutam Wasnik. His date of birth is admitted to be of 28/08/2001. Considering the same in between original award made in 2003, 13 years have passed as such this fact cannot be ignored that price index which is prevailing in the society has increased considerably. Therefore reciprocal increase of amount of maintenance to the percentage of increase in price of commodities appears to be reasonable in the given set of facts. The applicant who is stated to be working as Sub Registrar is said to be receiving Rs.60,000/- per month. Relation in between the

parties are not in dispute. Taking into such fact the amount of Rs.1000/- granted in 2003 which has been enhanced to Rs.3000/- in 2017 cannot be said to be exorbitant or unreasonable. In a result, taking into totality I do not find any jurisdictional error to interfere in the order.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE