

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.498 of 2015**

M. Ramu Kurmi, S/o Shri M. Nok Raju, aged about 37 years, R/o Budhwari Bajar Korba, Thana and Tahsil District Korba (Chhattisgarh) Posted as Constable No.387 Traffic Police Station Korba, Tahsil and District Korba (Chhattisgarh)

---- Applicant

versus

1. Smt. M.N. Shailja Rani, W/o Shri M. Ramu Kurmi, aged about 35 years,
 2. Minor Ku. M. Chini, D/o Shri M. Ramu Kurmi, aged about 05 years, through natural guardian Mother M.N. Shailja Rani,
- Both R/o Rameshwar Nagar Bhanpuri, Thana Khamatari, Raipur (Chhattisgarh)

---- Respondents

For Applicant/Husband	:	Shri R.S. Patel, Advocate
For Respondents	:	Shri Yogesh Pandey, Advocate
Respondent Smt. M.N. Shailja Rani	:	Appears in Person

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****10.7.2017**

1. Today, the case is fixed for orders on I.A. No.2 of 2015 for grant of interim stay and I.A. No.1 of 2017 for out of turn/urgent hearing.
2. Learned Counsel appearing for both the parties submit that it is an admitted revision. Record of the Family Court is also available. Therefore, they pray for final hearing of the revision on merits today itself.
3. With the consent of Learned Counsel appearing for the parties, the revision is finally heard and decided.
4. Being aggrieved by the impugned order dated 26.2.2015 passed in Criminal M.J.C. No.247 of 2014 by the Principal Judge, Family Court, Raipur, the Applicant has preferred the instant revision.

5. It is admitted that on 20.1.2008 marriage was solemnised between the Applicant and Respondent No.1 according to the Hindu Customs. On 5.3.2009, Respondent No.2 born at Raipur. It is also undisputed that by the award dated 20.1.2013 passed by the Lok-Adalat under Section 125 Cr.P.C., maintenance amount of Rs.2,000/- was granted in favour of Respondent No.1/wife and amount of Rs.1,500/- was granted in favour of Respondent No.2/minor daughter.
6. Thereafter, the Respondents herein filed an application under Section 127(1) Cr.P.C. before the Family Court, Raipur for enhancement of the maintenance. After hearing the parties, the Learned Family Court allowed the application and enhanced the amount of maintenance to Rs.3,000/- for Respondent No.1/wife and to Rs.3,000/- for Respondent No.2/minor daughter.
7. Challenging the impugned order, the Applicant has preferred the present revision and submitted that the Family Court has failed to consider that the Respondent No.1/wife herself had left the house of the Applicant and she is leaving separately from the Applicant without any sufficient reason. The Family Court has also failed to consider the liabilities of the Applicant. It is further submitted that Respondent No.1/wife is well educated and is working as a teacher and she is drawing a handsome salary. Therefore, she is able to maintain herself. On these grounds, it is prayed on behalf of the Applicant/husband that the impugned order be set aside and the present revision be allowed.
8. I have heard Learned Counsel appearing for the parties and perused the entire record with utmost circumspection.

9. It is undisputed that earlier settlement has been finalised between the parties under Section 125 Cr.P.C. M. Ramu Kurmi (Applicant/husband) has admitted in his deposition that he is employed as a Police Constable and is getting net salary of Rs.19,500/- per month after all necessary deductions. He has also admitted that he is getting yearly increments. As per his statement, it is also clear that his father has expired and his mother is getting pension. He has also admitted that they are total five brothers and all are well established. Therefore, as per his evidence, it is clear that he is getting near-about Rs.20,000/- per month and he has no other responsibility. The evidence of Shailja Rani (Respondent No.1/wife) recorded before the Family Court reveals that no question was put to her about her own earning or income.
10. Therefore, from the above, it is clearly established that the Applicant/husband has sufficient means and is able to pay the amount of maintenance enhanced/ordered by the Family Court in favour of the Respondents.
11. In view of the foregoing discussions, I find no infirmity in the finding arrived at by the Family Court. Therefore, the impugned order enhancing the amount of maintenance in favour of the Respondents is affirmed and the present revision is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge