

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 165 of 2016

Subhashini Pradhan widow of Late Shri Jugeshwar Pradhan Aged About 60 Years Caste Kolta, R/o Village Sitapur, P.S. Basana, Tahsil Pithora, District Mahasaund, Chhattisgarh.

---- Applicant

Versus

Kunjbihari Pradhan S/o Late Shri Jugeshwar Pradhan Aged About 40 Years Caste Kolta, R/o Village Sitapur, P.S. Basana, Tahsil Pithora, District Mahasamund, Chhattisgarh.

---- Respondent

For applicant - Shri Sunil Verma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/06/2017

1. This revision is against the order dated 11/09/2015 passed by the Judge, Family Court, Mahasamund in Misc. Criminal Case No.F-23/2015 whereby maintenance of Rs.2500/- per month have been awarded to the mother/applicant for her maintenance. Instant revision is filed whereby quantum of grant of maintenance of Rs.2500/- is under challenge.
2. Learned counsel for the applicant would submit that grant of maintenance to the mother is very low and she is not able to maintain herself as she is more than 60 years and maintenance is awarded against son, therefore under the facts of this case maintenance amount should be enhanced.
3. Despite service of notice of this revision, the non-applicant/son is absent and no representation is made.
4. Under the circumstances considering the petition is by widow lady

of 60 years case is heard on merits.

5. Perused the record of the trial court. Perusal of the record of the trial court would show that an application for maintenance by the mother aged about 60 years, who is widow was filed against her son Kunjbihari Pradhan claiming maintenance of Rs.10,000/- per month. It is stated that after death of the husband of the applicant the son got the entire land mutated in his name and mother has been deserted. Consequently, she is living in the house of her brother-in-law. It is further stated that for last 8 years she was carrying on her livelihood by working as labourer but because of the age she is not able to perform her job, as age do not permit the same therefore is unable to maintain herself. It is further stated that non-applicant/son is availing 2 crops from the land and is earning Rs.5 lakhs per year and since mother is unable to maintain herself and she do not keep well as such for treatment and maintenance of her livelihood Rs.10,000/- be awarded.

6. Learned trial court after evaluating the evidence has awarded Rs.2500/- per month to the mother for her maintenance against which the present petition is filed by the mother for enhancement. Statement of the mother Subhashini Pradhan aged about 60 years is examined, it shows that she is the widow of Jugeshwar Pradhan. In her statement before the court she has stated that for last 8 years she has been deserted and thrown out of the house and she was carrying on her livelihood by performing job of a labourer but with the age she is not able to perform the job of labourer and therefore is unable to maintain herself. It is further stated in the evidence that son is carrying on the agriculture over 13 acres of land and who is taking 2 crops as it is supported by tube well. Consequently, he is earning Rs.5 lakhs per year, therefore maintenance of Rs.10,000/- be awarded. In the cross-examination of the witness

statement would show that initially the mother and her husband alongwith other family members had 22 acres of land and out of that after division 12-13 acres of land came to the share of the applicant and however her son got entire land mutated in his name. Reading of the cross-examination would further show that after marriage dispute further aggravated and the non-applicant/son had deserted his mother and she is not able to maintain herself. She further claim that over the land she want her share.

7. Statement would show that relation inter-se between the parties are not in dispute. The statement also do not dispute the fact that the non-applicant is carrying on his agriculture over the land and evidence show mother has been deserted as appears she has been dispossessed from the land itself. Further more the fact that she is of ripen age of 60 years as of 2015 would naturally lead to inference she is not able to maintain herself for the age. The statement of the mother that she is not been looked after by the son is supported by Dashrath Pradhan the witness AW-2. One Banvas Sand AW-3 has stated that after the dispute in between the applicant and her son came to the society some meeting was held and the non-applicant refused to maintain her mother and sister in the meeting. During such conversation the applicant wanted her share of the land.

8. Statement of the non-applicant/son would show relation in between the applicant and the son has not been denied. Statement of the non-applicant would show that son is holding 4.20 hectares of land and some part was given to her mother, thereby the fact that non-applicant/son has kept share of the land after division took place in between them. The statement of the witness would lead to show that the non-applicant has refused to maintain his mother who is widow aged about 60 years. With

respect to the income no substantial rebuttal has come on record on behalf of the non-applicant also. In the facts of this case and non-applicant is also not represented before this court and have chosen not to come, taking into the fact price index which is prevailing in the society and the minimum requirement which is for maintenance of widow in my considered opinion amount of further Rs.1500/- in addition to Rs.2500/- thereby Rs.4000/- appears to be reasonable to the mother. Consequently, amount of Rs.2500/- per month is enhanced to Rs.4000/- per month which would be payable by the son to his mother the applicant.

9. Accordingly, the petition is disposed.

Sd/-

(Goutam Bhaduri)

JUDGE