

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 604 of 2017

1. Mahesh Sahu, S/o. Banihar Sahu, Aged About 32 Years, R/o. Village Khairbana Police Station- Kawardha, District -Kabirdham Chhattisgarh.

---- Applicants

Versus

1. Smt. Sato Bai, W/o. Mahesh Sahu, Aged About 30 Years,
2. Sandip, S/o. Mahesh Sahu, Aged About 7 Years, (Minor Natural Guardian is Mother Smt. Sato Bai),

Both are R/o. Village -Khairbana-Kala. Present Address Village-Pawantara, Police Station -S. Lohara District -Kabirdham, Chhattisgarh.

---- Respondents

For Applicant : Mr. Ravi Maheshwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.06.2017

Heard

1. This revision is against the order dated 19.05.2017, passed in M.J.C. No.200/2017, by the Family Court, Kabirdham, which is passed in application filed by the respondents/non-applicants under Section 127 of Cr.P.C., whereby the earlier maintenance award passed in the year 2014 of Rs.1000/- to the non-applicant No.1/mother has been enhanced to Rs.1,400/- and to the non-applicant No.2-son, the same is enhanced from Rs.800/- to Rs.1000/-.

2. Learned counsel for the applicant would submit that the order can not be sustained as it is illegal and there has been no increase of rate of paddy as such, the applicant could not pay the enhanced amount.
3. Perusal of the order would show that the relation in between the parties has not been denied and it records that the applicant has admitted the fact that he is residing with another lady. The order also records that the applicant husband has also possessed with agricultural land. Considering the fact, initially Rs.1000/- maintenance was awarded to the wife has been enhanced to Rs.1,400/- and Rs.800/- awarded to the respondent No.2-son has been enhanced to Rs.1,000/- thereby enhancement of Rs.600/- per month only has been made. Taking into the price index which is prevailing in the society, enhanced amount of Rs.600/- for two applicants after a period of 3 years can not be stated to be exorbitant or extraordinary.
4. After evaluating the prima-facie facts and after going through the order, in my considered opinion no jurisdictional error has been committed or it can be stated that it is a case where the Court has exceeded the jurisdiction vested in it by law. Therefore, I am not inclined to interfere with such finding to disturb the maintenance granted to the respondents.
5. Accordingly, the revision petition has no merit and it is dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge