

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.726 of 2016

Ramanath Chandra S/o Lakhan Lal Chandra Aged About 40 Years R/o Village Sonadula, Tahsil & Police Station Malkharauda, District Janjgir Champa, Chhattisgarh.

---- **Petitioner**

Versus

1. Smt. Usha Chandra W/o Ramanath Chandra Aged About 30 Years
2. Dipti Chandra D/o Ramanath Chandra Aged About 10 Years
3. Jishu Chandra D/o Ramanath Chandra Aged About 8 Years

Respondent No. 2 & 3 are Minor, Presented Through Her Guardian Mother Smt. Usha Chandra W/o Ramanath Chandra, All R/o Village Saradol, Police Station Malkharauda, District Janjgir Champa, Chhattisgarh. Presently R/o C/o K.R. Dhritlahre, Advocate, Jhul Kadam, Temar Road, Sakti, District Janjgir Champa, Chhattisgarh.

---- **Respondents**

For Petitioner

Shri D. Kushwaha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

20/02/2017

1. The present petition has been preferred challenging the order dated 15.07.2016 passed by the Family Court (Link Court) Sakti, in Misc. Criminal Case No.45/2015. Vide the impugned order the court below in a proceeding under Section 125 CrPC has ordered for payment of Rs.3000/- each to three respondents i.e. Rs.9000/- total as maintenance.
2. The sole contention of the petitioner is that the amount awarded by the court below is exorbitant and it is beyond the paying capacity of the petitioner as the petitioner is a daily wager and does not have sufficient source of income to honour the award of maintenance awarded by the

court below.

3. However, a perusal of record it shows that there is categorical admission on the part of the petitioner that he has joint agricultural land of about 20-25 Acres in two villages Sonadula and Lakhali. In addition, there is also admission that the petitioner used to spend educational expenses on the respondents No.2&3 of around 40,000/- per year. It is hard to believe that a person working on daily wage basis with no source of income or with limited income would send his children for education where the annual fee is more than Rs.40,000/-
4. Thus, in the given facts and circumstances of the case it is clear that the petitioner has sufficient source of income and if that is so, if the court below has ordered for payment of Rs.3000/- each (i.e. Rs.9000/- in total) to the respondents i.e. wife and two children, it cannot be said to be either exorbitant or on higher side warranting interference of this court particularly taking into consideration the standard of education which the respondents No.2&3 were having even at the time when they were under the petitioner.
5. Accordingly, the petition fails and is dismissed.

Sd/
(P. Sam Koshy)
Judge