

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.647 of 2017**

1. Smt. Geeta Bala, W/o Pradeep Kumar Avrol, aged about 47 years,
 2. Ku. Anshu, D/o Pradeep Avrol, aged about 20 years,
- R/o Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh

---- Applicants**versus**

Pradeep Kumar Avrol, S/o Late Ram Bhajan Avrol, aged about 51 years, R/o Kamp Umariya, S.E.C.L. Chapaha Colliery, Lampman, Tahsil and District Umariya, M.P.

--- Respondent

For Applicants	:	Shri Vimlesh Bajpai, Advocate
For Respondent	:	Shri Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17.5.2018**

1. With the consent of Learned Counsel appearing for the parties, the revision is heard finally.
2. Applicant No.1 is the wife and Applicant No.2 is the daughter of the Respondent. Initially, vide order dated 22.12.2011 passed in M.J.C. No.411 of 2010, Applicant No.2/daughter was granted maintenance of Rs.2,500/- per month and vide order dated 30.4.2007 passed in M.J.C. No.102 of 2006, maintenance of Rs.2,000/- was granted in favour of Applicant No.1/wife under Section 125 of the Cr.P.C. For enhancement of the said amounts of maintenance, an application under Section 127 of the Cr.P.C. was filed by the Applicants. Vide the impugned order dated 29.5.2017 passed in M.J.C. No.77 of 2017, the Learned Additional Principal Judge, Family Court, Bilaspur has rejected the application of the wife for enhancement of the amount of maintenance, but has enhanced the amount of maintenance from Rs.2,500/- to Rs.7,000/- in favour of Applicant No.2/daughter. Hence, this

revision.

3. Learned Counsel appearing for the Applicants submits that the Family Court has rejected the application of Applicant No.1/wife only on the ground that she is working as an Anganbadi Worker, but the Family Court did not consider the fact that from the said job she is getting only Rs.2,000/- per month. The Respondent/husband is getting monthly salary of about Rs.60,000/- to which the Family Court did not consider. He further submits that Applicant No.2/daughter has completed graduation and she is preparing for M.B.A. and other competitive examinations. Therefore, the enhancement done in her favour is also on lower side.
4. Learned Counsel appearing for the Respondent submits that the Respondent is getting monthly salary of Rs.20,000/- after deductions. Applicant No.1/wife is working as an Anganbadi Worker and getting monthly salary from that job. Therefore, the Family Court has rightly rejected her application for enhancement. He further submits that Applicant No.2/daughter is a major unmarried girl. There is nothing on record which indicates that due to physical or mental illness she is unable to maintain herself. Therefore, she is not entitled for any maintenance from her father/Respondent.
5. I have heard Learned Counsel appearing for the parties and perused the record of the Court below with due care.
6. Admittedly, Applicant No.1/wife had been granted monthly maintenance of Rs.2,000/- in the year 2007. It is also admitted that the Respondent is working as a Lampman. As per his salary slips (Ex.D2, D3, D4 and D5), which relate to January 2016, February

2016, April 2016 and May 2016, in January 2016 Rs.36,976/- (Ex.D2), in February 2016 Rs.31,454/- (Ex.D3), in April 2016 Rs.68,460/- (Ex.D4) and in May 2016 Rs.33,078/- (Ex.D5) were the net pay of the Respondent.

7. Though Applicant No.1/wife is getting salary of Rs.2,000/- per month from her job of Anganbadi Worker, but looking to the present inflation, it would be difficult for her to maintain her in the sum of Rs.4,000/- per month (Salary of Rs.2,000/- + maintenance of Rs.2,000/-). Therefore, on the ground that she, being an Anganbadi Worker, is getting salary of Rs.2,000/- per month her application for enhancement of maintenance is rejected by the Family Court is not proper.
8. Considering the facts and circumstances of the case, social and financial status of the parties and other responsibilities of the Respondent, maintenance of Rs.2,000/- per month deserves to be enhanced to Rs.4,000/- per month in favour of Applicant No.1/wife with effect from today. Ordered accordingly.
9. In favour of Applicant No.2/daughter, the Family Court has enhanced the maintenance from Rs.2,500/- to Rs.7,000/- per month. The same appears to be just and proper and it does not warrant any interference.
10. Consequently, the revision stands disposed of in the aforesaid terms.
11. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge