

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.714 of 2017**

Smt. Jyoti Rani, wife of Ramesh Kumar Yadav, aged about 40 years, resident of Pachri Para, Durg, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

Ramesh Kumar Yadav, son of Prabhu Lal Yadav, aged about 40 years, Assistant Teacher, Boys Higher Secondary School, Manpur, Tahsil and District Rajnandgaon, Chhattisgarh

--- Respondent

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent	:	Shri Shikhar Bakhtiyar, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.7.2018

1. The instant revision has been preferred against the order dated 24.5.2017 passed by the 1st Additional Principal Judge, Family Court, Durg in M.Cr.C. No.173 of 2015, whereby the Family Court has rejected the application under Section 127 of the Code of Criminal Procedure preferred by the Applicant/wife on the ground that she has not been able to prove the change in circumstances on the basis of which she claimed enhancement in the amount of maintenance.
2. Vide order dated 26.2.2010 passed in M.Cr.C. No.280 of 2009, the Family Court granted maintenance of Rs.1,000/- per month in favour of the Applicant/wife. She preferred an application under Section 127 of the Cr.P.C. for enhancement in the amount of maintenance on the ground that there is rise in inflation and the Respondent/husband's salary has also been increased. The

Family Court has rejected the said application only on the ground that the Applicant/wife has not been able to establish that what is the change in the financial status of the Respondent/husband and how much increase has taken place in his income.

3. Learned Counsel appearing for the Applicant/wife submits that a judicial notice can be taken that there is rise in inflation as on today as compared to the year 2010. He further submits that the Respondent/husband, who is a teacher, has admitted that he is getting Rs.41,000/- as monthly salary. He submits that though what was the salary of the Respondent in the year 2010 could not be established by the Applicant/wife yet a judicial notice of the fact can be taken that as on today increase has taken place in the monthly salary of the Respondent/husband as compared to the year 2010.
4. Learned Counsel appearing for the Respondent/husband supports the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. There is no dispute that the Respondent/husband was employed as a teacher in 2010 and he is still serving as a teacher. As per his admission, he is getting Rs.41,000/- as monthly salary as on today. A judicial notice of the facts can be taken that an increase has taken place in the salary of the Respondent/husband as compared to the year 2010 and that there is a rise in inflation as on today as compared to the year 2010. The Family Court has not paid

attention towards these facts and has rejected the application. In my considered opinion, the amount of maintenance granted to the Applicant/wife deserves to be enhanced. Looking to the increase in the salary of the Respondent/husband and the present inflation, the amount of maintenance of the Applicant/wife is enhanced from Rs.1,000/- to Rs.3,000/- per month payable with effect from today.

7. Consequently, the revision is allowed in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge