

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1088 of 2017

1. Smt. Manju Dwivedi, aged about 32 years, W/o Shri Dharendra Kumar Dwivedi,
 2. Ku. Aaradhya Dwivedi, D/o Shri Dharendra Kumar Dwivedi,
- Both residents of House No.46, J.P. Vihar, Mangala, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicants

versus

Shri Dharendra Dwivedi, aged about 37 years, S/o Shri L.P. Dwivedi, Working as Asst. Loco Pilot, South Eastern Central Railway, R/o C/o Station Master, South Eastern Central Railway, Korba, Tahsil and District Korba, Chhattisgarh

--- Respondent

For Applicants	:	Shri Ashutosh Shukla, Advocate
Respondent	:	Shri Dharendra Dwivedi in person

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

1.8.2018

1. Earlier vide order dated 20.2.2013 passed in Case No.369 of 2012, the Family Court, Bilaspur allowed the application of the Applicants, who are wife and daughter of the Respondent and granted monthly maintenance of Rs.3,000/- in favour of the wife and Rs.2,000/- in favour of the daughter. In January, 2017, an application under Section 127 of the Cr.P.C. was preferred by the Applicants for enhancement in the amount of maintenance on the ground that now the Respondent is getting monthly salary of Rs.50,000/-. A separate application under Section 127 of the

Cr.P.C. was preferred by the Respondent on the ground that the Applicant No.1/wife is also getting monthly salary of Rs.21,000/- and, therefore, she is able to maintain her and her daughter. Vide the impugned order dated 5.10.2017, the Family Court has enhanced the maintenance from Rs.2,000/- to Rs.4,000/- in favour of the daughter and ordered that out of Rs.4,000/-, Rs.2,000/- shall be paid by Applicant No.1, mother of Applicant No.2/daughter and remaining amount of Rs.2,000/- shall be paid by the Respondent/father. Hence, this revision.

2. I have heard Learned Counsel appearing for the parties and perused the record with due care.
3. From the evidence adduced by the parties, it reveals that in the year 2013 also, both the husband and wife were employed. The wife was getting monthly salary of Rs.15,000/- and the husband was getting monthly salary of Rs.35,000/-. In the year 2017, the wife was getting monthly salary of Rs.20,000/- and the husband was getting monthly salary of Rs.45,000/-. Therefore, it is clear that presently, Applicant No.1/wife is able to maintain her. Therefore, with regard to Applicant No.1/wife, the order of the Family Court does not warrant any interference by this Court.
4. Applicant No.2 is daughter of the Respondent and is presently residing with her mother Applicant No.1. She is studying in 4th standard. Her studies involve expenditure of about Rs.25,000/- yearly. Since her father is getting much higher salary than her mother, looking to the facts and circumstances of the case, it is directed that the total monthly maintenance of Rs.4,000/- granted by the Family Court in favour of Applicant No.2/daughter shall be

paid by the Respondent/father only and this shall be effective from 5.10.2017, i.e., the date on which the impugned order was passed by the Family Court.

5. In the result, the revision is disposed of in the aforesaid terms.
6. Record of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
JUDGE