

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.40 of 2018

1. Smt. Sarita Kurrey, aged about 35 years, W/o Shri Pramod Kurrey,
2. Ku. Neelu Kurrey, D/o Pramod Kurrey, aged about 07 years,
3. Ku. Neetu Kurrey, D/o Pramod Kurrey, aged about 07 years,
4. Ku. Peehu Kurrey, D/o Pramod Kurrey, aged about 04 years,
5. Ku. Kalpana Kurrey, D/o Pramod Kurrey, aged about 02 years,

Revisioners No.2 to 5 are minors and are represented by their natural guardian mother Sarita Kurrey (Revisioner No.1 herein)

All the Revisioners are R/o Mini Basti, Jarhabhata, P.S. - Civil Lines, Tahsil and District Bilaspur, Chhattisgarh

---- Applicants

versus

Pramod Kurrey, S/o Itwari Kurre, aged about 36 years, R/o Ward No.20, Near Mata Chowra, Behind Gas Agency, Uslapur, District Bilaspur, Chhattisgarh

--- Respondent

For Applicants	:	Shri Surfaraz Khan, Advocate
For Respondent	:	Shri Ravi Maheshwari, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

21.3.2018

1. This revision has been preferred against the order dated 11.12.2017 passed by the Family Court, Bilaspur in Case No.765 of 2017, whereby the Family Court has partly allowed the application under Section 125 of the Code of Criminal Procedure and granted monthly maintenance of Rs.1,000/- in favour of Applicant No.1 and Rs.200/- each in favour of Applicants No.2 to 5, total Rs.1,800/-.
2. Case of the Applicants is that Applicant No.1 is the legally wedded wife of the Respondent and Applicants No.2 to 5 are born out of their wedlock. Due to birth of girl children continuously, family members of the Respondent started subjecting Applicant No.1 to cruelty and they also beat her. For these reasons, Applicant No.1

along with her children started living separately from the Respondent from May, 2015. Applicant No.1 is unable to maintain herself. The Respondent is working as a driver and getting monthly salary of about Rs.10,000/-.

3. In spite of service of notice, the Respondent did not appear before the Family Court. Therefore, after taking *ex parte* evidence, the impugned order has been passed by the Family Court. The instant revision has been filed by the Applicants for enhancement of the maintenance awarded on the ground that the award of maintenance by the Family Court is on lower side.
4. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
5. It is undisputed that Applicant No.1 is the legally wedded wife of the Respondent and Applicants No.2 to 5 are their children. It is also undisputed that due to sufficient and proper reason, Applicant No.1, along with the children Applicants No.2 to 5, is residing separately from the Respondent. During her examination in the Court, Applicant No.1 has categorically stated that the Respondent/husband is working as a driver and getting monthly salary of about Rs.10,000/- and he has no liability.
6. Taking into consideration the facts and circumstances of the case, I find that the maintenance granted by the Family Court to Applicants No.2 to 5 is on lower side and, therefore, the impugned order granting maintenance needs to be modified. There shall be no change in the maintenance awarded to Applicant No.1, but the maintenance awarded to Applicants No.2 to 5 is enhanced to Rs.500/- each. Thus, in total, the Applicants shall get maintenance

of Rs.3,000/- per month. The enhancement shall be applicable with effect from today itself.

7. Resultantly, the revision is allowed in part to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge