

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.176 of 2018

Nasib Khan, son of late Kapte Khan, aged about 61 years, resident of Q.N.82, Sector No.5, Balco, District Korba, Chhattisgarh (Now the applicant has been retired from service therefore office address not mentioned)

---- Applicant

versus

Smt. Akhtarunisha, wife of Nasib Khan, aged about 59 years, resident of Talapara, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent

For Applicant	:	Shri Akath Kumar Yadav, Advocate
For Respondent	:	Shri Kripesh G. Kela, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19.7.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Vide order dated 29.7.2013 passed under Section 125 of the Code of Criminal Procedure, Rs.3,000/- per month was granted in favour of the Respondent/wife as maintenance. Thereafter, an application under Section 127 of the Code of Criminal Procedure was preferred by the Respondent/wife. Vide order dated 12.4.2014, the maintenance of Rs.3,000/- was enhanced to Rs.5,500/- per month. The Respondent/wife further filed an application under Section 127 of the Code of Criminal Procedure for enhancement of the maintenance which was allowed by the Family Court vide the impugned order dated 23.11.2017 and the enhancement was made from Rs.5,500/- to Rs.7,000/- per month.

3. It is not in dispute that at present, the Applicant/husband has retired from service, but after retirement what amount is he getting as pension has not been disclosed by him. In the year 2013, the monthly salary of the Applicant/husband was about Rs.40,000/- and, therefore, his pension can be assessed to Rs.25,000/- per month approximately. Hence, the enhancement made to Rs.7,000/- per month is just and proper.
4. I find no merit in the revision. It is, therefore, dismissed.

Sd/-

(Arvind Singh Chandel)
JUDGE