

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1177 of 2017

Order Reserved on : 1.5.2018

Order Passed on : 30.7.2018

Johan Ram Sahu, aged about 66 years, son of Mahangu Ram Sahu, resident of Village Jaamgaon, Post Pahanda, Police Station and Tahsil Berla, District Bemetara, Chhattisgarh

---- Applicant

versus

Ramta Bai Sahu, wife of Shri Johan Ram Sahu, aged about 52 years, resident of Raman Mandir Ward No.21, Fafadih, Raipur, District Raipur, Chhattisgarh

--- Respondent

and

Criminal Revision No.172 of 2018

Ramta Bai Sahu, aged about 52 years, wife of Johanram Sahu, resident of Raman Mandir, Ward No.21, Fafadih, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

Johanram Sahu, aged about 62 years, son of Mahanguram Sahu, resident of Village Jamgaon, Post Pahanda, Police Station and Tahsil Berla, District Bemetara, Chhattisgarh

--- Respondent

For Ramta Bai	:	Shri Goutam Khetrapal, Advocate
For Johan Ram Sahu	:	Shri P.P. Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

C.A.V. ORDER

1. Since both the revisions arise out of a common order, they are disposed of by this common order.
2. Vide order dated 19.11.2014 passed by the Principal Judge, Family Court, Raipur in Criminal M.J.C. No.183 of 2014, the application

under Section 125 of the Code of Criminal Procedure moved by Ramta Bai was allowed by the Family Court, Raipur and maintenance of Rs.3,000/- per month was granted in her favour. In February, 2016, an application under Section 127 of the Code of Criminal Procedure was submitted by Ramta Bai for enhancement of maintenance on the ground of rise in inflation and her illness. The said application for enhancement has been allowed and the amount of maintenance has been enhanced from Rs.3,000/- to Rs.4,500/- per month vide the impugned order dated 7.11.2017 passed by the 1st Additional Principal Judge, Family Court, Raipur in M.J.C. No.94 of 2016.

3. Criminal Revision No.1177 of 2017 has been preferred by Johan Ram challenging the enhancement and Criminal Revision No.172 of 2018 has been preferred by Ramta Bai for further enhancement.
4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. From the evidence available on record, it is clear that Johan Ram owns 76 dismil of agricultural land in his name. In the year 2014 also, he had owned the same land. There is no dispute that there is rise in inflation, but Kalindribai, first wife of Johan Ram is also dependent on him and there is no evidence on record to show that there is any enhancement in the income of Johan Ram since the year 2014. It is also pertinent to mention here that Ramta Bai is residing in the house of Johan Ram situated at Fafadih, Raipur. The Family Court has enhanced the amount of maintenance only on the ground that there is rise in inflation, but has not paid attention towards the fact that there is no enhancement in the

income of Johan Ram since the year 2014. Therefore, the order of the Family Court enhancing the amount of maintenance is unjust and improper.

6. Consequently, Criminal Revision No.1177 of 2017 filed by Johan Ram challenging the enhancement of maintenance is allowed and Criminal Revision No.172 of 2018 preferred by Ramta Bai for enhancement of maintenance is dismissed. The impugned order dated 7.11.2017 enhancing the maintenance is set aside.
7. 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