

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.245 of 2018**

1. Smt. Lalima Kujur, wife of Dilip Kujur, aged about 42 years,
2. Minor Dipti Kujur (wrongly mentioned as Dilip Kujur), daughter of Dilip Kujur, aged about 15 years, minor represented through mother Smt. Lalima Kujur,

Both are residents of Village Sitonga, Tahsil and District Jashpur, Chhattisgarh

---- Applicants

versus

Dilip Kujur, son of Sudhar Kujur, aged about 43 years, resident of Village Khutgaon, Tahsil Kunkuri, at present resident of Haldimunda, Tahsil Duldula, District Jashpur, Chhattisgarh

--- Respondent

For Applicants	:	Shri Sanjeev Kumar Sahu, Advocate
For Respondent	:	Shri Narendra Tirkey, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

17.7.2018

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The revision has been preferred against the order dated 10.1.2018 passed by the Family Court, Jashpur in M.Cr.C. No.118 of 2017, whereby the application under Section 127 of the Code of Criminal Procedure submitted by the Respondent, who is husband of Applicant No.1 and father of Applicant No.2, has been allowed and another application preferred by the Applicants under Section 127 of the Code of Criminal Procedure for enhancement of amount of maintenance has been rejected.
3. Vide order dated 25.4.2011 passed by the Sessions Judge, Jashpur in Criminal Revision No.2 of 2011, in favour of Applicant

No.1/wife a sum of Rs.1,000/- and in favour of Applicant No.2/daughter a sum of Rs.2,000/-, total Rs.3,000/- was granted as maintenance. On 11.10.2017, the Respondent filed an application under Section 127 of the Code of Criminal Procedure for cancellation of the order of maintenance earlier passed by the Sessions Judge on the ground that Applicant No.1/wife is working as a Shiksha Karmi Grade-III and is getting salary of Rs.25,000/- per month and, therefore, she is able to maintain herself and her daughter/Applicant No.2. On the basis of the said application, M.Cr.C. No.118 of 2017 was registered. In the said criminal case itself, on 15.11.2017, a separate application under Section 127 of the Code of Criminal Procedure for enhancement of amount of maintenance was filed by the Applicants. The Family Court finally heard both the parties and vide the impugned order dated 10.1.2018 allowed the application preferred by the Respondent and rejected the application preferred by the Applicants. Hence, this revision by the Applicants/wife and daughter.

4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. There is no dispute that at present Applicant No.1/wife Lalima Kujur is working as a Shiksha Karmi Grade-III and is getting salary of Rs.25,000/- per month. In this circumstance, it is clear that she is able to maintain herself. Therefore, with reference to Applicant No.1/wife, the Family Court has rightly allowed the application of the Respondent.
6. There is also no dispute that the Respondent is also a Government employee and is getting net salary of Rs.35,000/- per month.

Applicant No.2 is his daughter. She is studying in XIth Standard. Though her mother/Applicant No.1 is also getting salary of Rs.25,000/- per month, her father/Respondent is getting higher salary than her mother/Applicant No.1 and the Respondent, being her father, is liable to maintain her. Therefore, the order rejecting maintenance against Applicant No.2/daughter passed by the Family Court is not just and proper.

7. Since Applicant No.2/daughter is studying in XIth Standard and her father/Respondent's income is Rs.35,000/- per month, the amount of maintenance of Rs.2,000/- per month granted in her favour by the Family Court is enhanced to Rs.3,000/- per month. This enhancement shall be effective from today.
8. Consequently, the revision is allowed in part to the extent indicated above.
9. 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