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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.475 of 2018

Dinesh Jain, S/o Late Pukhraj Jain, aged about 54 years, Profession Professor, P.G.B.T. College, Tarbahar, Bilaspur, Resident of 19, Kamra Awasiya Parisar, Lodhipara, P.S. and P.O. Sarkanda, Bilaspur, Civil and Revenue District Bilaspur, Chhattisgarh

---- Applicant

versus

1. Manjula Jain, W/o Shri Dinesh Jain, aged about 42 years,
2. Meesha Jain, D/o Dinesh Jain, aged about 15 years, through her natural guardian mother Smt. Manjula Jain,

Both residents of House No.24, Ward No.46, Near Pathak Garden, Jabdapara, Bilaspur, Chhattisgarh

--- Respondents

For Applicant	:	Shri Pragalbha Sharma, Advocate
For Respondents	:	Shri M.K. Baeg, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

6.9.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 24.3.2018 passed by the Family Court, Bilaspur in M.Cr.C. No.474 of 2017, whereby the Family Court has enhanced the monthly maintenance from total Rs.7,500/- to total Rs.22,000/- in favour of the Respondents, who are wife and daughter of the Applicant.
3. I have heard Learned Counsel appearing for the parties and perused the record with due care.
4. Vide order dated 12.5.2010 passed in M.Cr.C. No.65 of 2010,

Rs.3,000/- per month was granted in favour of the Respondents as maintenance. Subsequently, in the year 2015, an application under Section 127 of the Cr.P.C. was filed by the Respondents for enhancement in the said maintenance. Vide order dated 5.5.2016 passed in M.Cr.C. No.224 of 2015, it was enhanced from Rs.3,000/- to Rs.7,500/- per month. Thereafter, the present application under Section 127 of the Cr.P.C. was filed by the Respondents for further enhancement, which has been allowed by the impugned order dated 24.3.2018 and the Family Court has enhanced the maintenance from Rs.7,500/- to Rs.22,000/- per month in favour of the Respondents.

5. Learned Counsel appearing for both the parties have admitted the fact that in the year 2016, the monthly salary of the Applicant was Rs.52,792/-. They have also admitted the fact that in the year 2017, monthly salary of the Applicant was Rs.68,644/-. Vide the application submitted under Section 127 of the Cr.P.C., the Respondents had prayed for enhancement of the maintenance from Rs.7,500/- to Rs.10,000/- per month and they had also claimed amount for payment of electricity bills and for maintenance of the house. The Family Court has enhanced the amount from Rs.7,500/- to Rs.22,000/- per month towards the maintenance, electricity bills and maintenance of the house. But, the Respondents have not pleaded or led any evidence regarding cost of maintenance of the house and the amount of electricity bills of the house. Therefore, the enhancement from Rs.7,500/- to Rs.22,000/- without disclosure of the electricity bills and the cost of maintenance of the house is not in accordance with law. Admittedly, the monthly salary of the Applicant in the year 2016

was Rs.52,792/- and in the year 2017, after increase in the salary, it was Rs.68,644/- per month. Thus, the monthly salary of the Applicant, as compared to the year 2016, has been increased by 30% in the year 2017. 2 children reside with the Applicant who are dependent upon him. Looking to the ratio of increase in the salary of the Applicant, enhancement in the maintenance of the Respondents from Rs.7,500/- to Rs.11,000/- per month would be just and proper.

6. Consequently, the revision is allowed in part. The maintenance granted/enhanced by the Family Court in favour of the Respondents is reduced from Rs.22,000/- to Rs.11,000/- per month payable with effect from 24.3.2018, i.e., the date on which the impugned order was passed by the Family Court.
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