

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.668 of 2018**

1. Smt. Seeta Patel, W/o Shri Motilal Patel, aged about 37 years, Occupation Nothing, R/o Village Kotra Road, Gali Number 01, Rajeev Nagar, Raigarh, Tahsil and District Raigarh, Chhattisgarh
2. Minor Kumari Gitika Patel, D/o Shri Motilal Patel, aged about 14 years,
3. Minor Jatin Patel, S/o Shri Motilal Patel, aged about 12 years,

Applicants No.2 and 3 are represented through their natural guardian mother Smt. Seeta Patel, W/o Shri Motilal Patel, aged about 37 years, Occupation Nothing, R/o Village Kotra Road, Gali Number 01, Rajeev Nagar, Raigarh, Tahsil and District Raigarh, Chhattisgarh

---- Applicants

versus

Motilal Patel, S/o Shri Basant Lal Patel, aged about 45 years, Occupation Contractor, R/o Village Girsha, P/o Bonda, Tahsil Saraipali, P/S Saraipali, District Mahasamund, Chhattisgarh

--- Respondent

For Applicants	:	Shri Abhishek Saraf, Advocate
For Respondent	:	Ms. Laxmeen Kashyap, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27.11.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Applicant No.1 is legally wedded wife of the Respondent. Their marriage was solemnised in the year 1999. Out of their wedlock, Applicants No.2 and 3 took birth. Applicant No.1/wife filed an application under Section 125 of the Code of Criminal Procedure before the Family Court, Raigarh. Vide impugned order dated 5.4.2018, the Family Court allowed the application and granted monthly maintenance of Rs.1,500/- in favour of Applicant

No.1/wife, Rs.800/- in favour of Applicant No.2/minor daughter and Rs.700/- in favour of Applicant No.3/minor son. The instant revision has been moved by the Applicants for enhancement in the amount of maintenance.

3. Learned Counsel appearing for the Applicants submits that there is sufficient evidence on record on the basis of which it is established that the Respondent has sufficient means to maintain the Applicants. He owns some agricultural land also. Therefore, the amount of maintenance granted by the Family Court is on lower side and deserves to be enhanced suitably.
4. Learned Counsel appearing for the Respondent supports the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. Though the Respondent has denied the fact that he owns an agricultural land, Respondent's Witness No.2, Nehru Lal Patel has categorically admitted the fact that the Respondent owns some agricultural land. The Respondent has admitted the fact that he owns a Tata Safari vehicle. Though he has stated that presently he has no job, from the evidence adduced by the parties, it is clear that he owns some agricultural land and also owns a Tata Safari vehicle. Applicants No.2 and 3 are aged about 14 and 12 years. Both are students and studying in school. On being considered these facts and the financial status and earning capacity of the Respondent, grant of monthly maintenance of Rs.800/- and

Rs.700/- in favour of Applicants No.2 and 3, respectively appears to be on lower side and deserves to be enhanced. Therefore, the amount of monthly maintenance of Applicant No.2/daughter is enhanced to Rs.1,500/- and that of Applicant No.3/son is also enhanced to Rs.1,500/-. This enhancement shall be effective from the date of the impugned order dated 5.4.2018 passed by the Family Court. The amount of monthly maintenance of Rs.1,500/- granted by the Family Court to Applicant No.1/wife is just and proper.

7. Consequently, the revision is allowed in part to the extent indicated above.
8. 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