

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.361 of 2017

Shri Suresh Sankhre, S/o Shri Radheshyam Sankhre, aged about 59 years, Employee, Bhilai Steel Plant, P. No. 140583, Token No.B 009924, Post Section Officer, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh, r/o Satyam Vihar Colony, Raipura, House No.681, Street No.4, Madhav Rao Sapre Ward No.68, Tahsil and District Raipur, Chhattisgarh

---- Applicant

versus

Smt. Sandhya Sankhre, W/o Shri Suresh Sankhre, aged about 47 years, present address Gaya Nagar, New Colony, Street No.2, Ward No.3, Durg, Tahsil and District Durg, Chhattisgarh

--- Respondent

For Applicant : Shri Sunil Otwani, Advocate
For Respondent : Shri Jitendra Gupta, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10.8.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Vide the impugned order dated 17.1.2017 passed in Miscellaneous Criminal Case No.485 of 2013, the Family Court, Durg has allowed the application under Section 125 of the Cr.P.C. preferred by the Respondent/wife and has granted her monthly maintenance of Rs.10,000/-. Hence, this revision by the husband.
3. Learned Counsel appearing for the Applicant/husband submits that he wants to press this revision only on the quantum of the maintenance. He further submits that though the Family Court has held that after retirement, the Applicant received about Rs.22 Lakhs as retiral benefits, even if this fact is accepted as it is, the

interest accrued on the amount of Rs.22 Lakhs will not be sufficient to pay the maintenance of Rs.10,000/- per month. Therefore, the amount of monthly maintenance granted by the Family Court in favour of the Respondent/wife is on higher side and the same deserves to be reduced suitably.

4. Per contra, Learned Counsel appearing for the Respondent/wife submits that apart from the amount of Rs.22 Lakhs, which is received as retiral benefits, the Applicant/husband is also getting a monthly pension of Rs.2,600/- - 2,700/-. The Respondent is wife of the Applicant. She is also entitled to live her life with same standard as the husband is living. Thus, the Family Court has rightly granted the monthly maintenance of Rs.10,000/- in favour of the Respondent.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. On consideration of the rival submissions made on behalf of the parties, it is clear that the Applicant/husband is a retired person and now he is getting monthly pension of Rs.2,600 – 2,700/- only. Apart from this, he has received about Rs.22 Lakhs as retiral benefits. In these circumstances, in my considered opinion, the grant of monthly maintenance of Rs.10,000/- is on higher side.
7. Looking to the social and financial status of both the parties, earning capacity of the Applicant/husband and age of both the parties, in my considered opinion, grant of monthly maintenance of Rs.7,000/- in favour of the Respondent/wife would be just and proper. Ordered accordingly. This reduction in the monthly

maintenance shall be effective from the date of the impugned order passed by the Family Court, i.e., 17.1.2017.

8. In the result, 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