

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.1918 of 2018**

- Pranav Pal S/o Parimal Pal Aged About 25 Years Occupation - Former, R/o Village - Ramanujganj, District - Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Babita Pal W/o Pranav Pal Aged About 25 Years Occupation - Housewife, R/o Village Damodarpur, Police Station Ramanujganj, District - Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Minor Ku. Versha Pal D/o Pranav Pal Aged About 8 Years Minor, Through Smt. Babita Pal W/o Pranav Pal, Aged About 25 Years, Occupation - Housewife, R/o Village- Damodarpur, Police Station - Ramanujganj, District - Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

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Shri Vikas Pandey, counsel for petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/09/2018**

1. This petition under Section 482 of Cr.P.C. is preferred against order dated 25-07-2018 passed by the Additional Sessions Judge, Ramanujganj, in Criminal Revision No.25/2017, whereby the order of grant of maintenance in favour of wife and minor girl child passed by the Judicial Magistrate First Class, Ramanujganj has been affirmed and enhanced the amount of maintenance. By the impugned order, the Magistrate has directed payment of maintenance of Rs.1,000/- per month to the wife and Rs.500/- to the minor girl child and the Revisional Court has enhanced the amount of maintenance of Rs.500/- each to the wife and minor girl child, resultantly, total amount of Rs.2,500/- is required to be paid by the petitioner.

2. Learned counsel for the applicant argued that the order for grant of

maintenance is abuse of the process of law as despite wife having failed to establish that the petitioner was living adulterous life, on *ipse dixit* and on bare allegations, has been granted maintenance. Secondly, it is submitted that the applicant does not have any permanent employment and he earns as labourer. Further submission is that the petitioner has to maintain himself and minor son aged 10 years, therefore, looking to these circumstances, award of maintenance of Rs.1500/- to wife and Rs.1000/- to the girl child is exorbitant, even if it is held that the petitioner is liable to pay maintenance.

3. I have gone through the orders passed by the Magistrate as well as the Revisional Court.

4. The Magistrate has passed a very detailed order, after taking into consideration the oral as well as documentary evidence on record and further taking into consideration the allegations of cruelty, statement of wife and registration of criminal case against the petitioner.

5. In summary proceedings under Section 125 Cr.P.C., that much of consideration and material is sufficient to entitle the wife to grant of maintenance. The girl child, who is minor aged 8 years is residing with wife and she has to be granted maintenance.

6. As far as the amount awarded by the Courts below are concerned, taking into consideration the present state of affairs and the price index, award of maintenance of Rs.1500/- to the wife and Rs.1000/- to the minor girl child is minimum amount to sustain human existence. True it is that the petitioner has a son, who is required to be maintained, but that itself does not make out a ground to avoid maintenance.

7. Maintenance is required to be awarded taking into consideration the needs and the present day requirements of food, shelter and existence of human being. Award of maintenance of Rs.1500/- to the wife and Rs.1000/- to the minor girl child, by no stretch of imagination, can be said to be exorbitant. I do not find any good ground to interfere with the impugned order.

8. In the result, the petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
J U D G E