

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 695 of 2016**

1. Smt. Chameli Sardar, aged about 42 years, W/o Chittranjan Sardar, Occupation- Housewife,
 2. Ku. Anushri Sardar, aged 18 years, D/o Chittrajan Sardar,
 3. Ravi Sardar, aged 15 years, S/o Chittranjan Sardar,
- No. 3 is minor, represented through mother Smt. Chameli Sardar,
All are R/o C/o Shri Nani Gopal Vishwas, near Main Road, Post Office & Police Station- Mana Camp, Tahsil & District- Raipur (C.G.)

---- Applicants**Versus**

Chittranjan Sardar, aged 52 years, S/o Late J.N. Sardar, Occupation- Senior Electrician, Bhilai Steel Plant, resident of House No.F-100, Risali Nagar, Bhilai, District- Durg (C.G.).

---- Respondent

For Applicants	:	Mr. J.K. Gupta, Advocate
For Respondent	:	Mr. P.K.C. Tiwari, Senior Advocate along with Mr. Ashutosh Trivedi

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****23/01/2018**

1. This revision has been filed under Section 19 (4) of the Family Courts, Act against the order dated 11/02/2016 passed in Miscellaneous Criminal Case No. 662/2013 by the First Additional Principal Judge, Family Court, Raipur for enhancement of maintenance amount.
2. Facts of the case, in brief, is that applicant no. 1 is the married wife

and applicant nos. 2 & 3 are the children of non-applicant. The applicants are living separately from non-applicant. Earlier, allowing the application under Section 125 of Cr.P.C, the Family Court has granted maintenance amount of Rs. 1500/- to each of the applicants, totaling Rs. 4500/- monthly vide order dated 19/12/2007 and 22/07/2009. Since, applicant Nos. 2 & 3 were students and applicant No. 1 was a house hold lady and they have no source of income to survive, therefore, in that senerio, they had preferred an application under Section 127 of Cr.P.C for enhancement of maintenance amount from 4500/- to Rs. 15000/- per month on the ground that the maintenance amount, as earlier ordered, is not enough and at present, the salary of non-applicant has increased three times. However, the non-applicant has opposed the said contention. After hearing both the parties, vide order dated 11/02/2016, the Family Court partly allowed the application. Thus, this revision.

3. Learned counsel for the applicant has argued that the finding of the lower Court is against the fact that the basic pay of applicant is Rs. 73792/- and after deduction, he is getting Rs. 63,757/-, therefore, the Family Court has failed to appreciate that the salary of non-appilcant has increased 3 times.
4. Per contra, learned counsel appearing for the respondent supported the impugned order and submitted that after deduction, non-applicant is getting only Rs. 10035/-. It is further submitted that at present, applicant no. 2 (daughter) is major girl and not entitled to get any maintenance.

5. I have heard counsel for the parties and perused the record available minutely.
6. From the above, it is clear that after deduction, at the relevant time, non-applicant was getting Rs. 10035/- monthly and on this very reason, the Family Court had enhanced the maintenance amount from Rs.1500/- to Rs. 2000/- monthly for each of the applicants. Hence, the impugned order passed by the Family Court is in accordance with law and requires no interference.
7. Accordingly, the revision is dismissed.

Sd/-

(Arvind Singh Chandel)
Judge