

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.726 of 2017

Meenakshi Sharma, wife of Shri Shivanjal Sharma, aged about 32 years, resident of C/o Shri K.K. Sharma, Patrakar Colony, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant

versus

Shri Shivanjal Sharma, aged about 34 years, S/o Dr. Shivgovind Sharma, resident of in front of Danganiya School, Raipur, Tahsil and District Raipur, Chhattisgarh

--- Respondent

and

Criminal Revision No.652 of 2017

Shivanjal Sharma, S/o Shri Shivgovind Sharma, aged about 32 years, R/o In front of Danganiya School, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

Smt. Minakshi Sharma, W/o Shri Shivanjal Sharma, aged about 30 years, Through K.K. Sharma, Patrakar Colony, Kasturba Nagar, Behind Haribhoomi Press, Bilaspur, District Bilaspur, Chhattisgarh

--- Respondent

For Meenakshi Sharma/wife : Shri M.D. Sharma, Advocate
For Shivanjal Sharma/husband : Shri Vaibhav A. Goverdhan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

7.8.2018

1. With the consent of Learned Counsel appearing for the parties, the revisions are heard finally.
2. Since both the revisions arise out of a common order, they are disposed of by this common order.

3. Both the revisions arise out of the order dated 17.5.2017 passed by the Family Court, Bilaspur in M.J.C. No.220 of 2016, whereby the application preferred by wife Meenakshi Sharma under Section 125 of the Cr.P.C. for grant of maintenance has been allowed and husband Shivanjal Sharma has been directed to pay her monthly maintenance of Rs.7,000/-.
4. The husband has preferred Criminal Revision No.652 of 2017 against the order of grant of maintenance of Rs.7,000/- on the ground that at present he has no job and, therefore, he has no means to pay the maintenance granted in favour of the wife. The husband has also taken the grounds that the wife is residing separately from him without sufficient cause and she is able to maintain her.
5. The wife has preferred Criminal Revision No.726 of 2017 for enhancement of the maintenance granted to her on the ground that the husband runs a coaching institute and is earning about Rs.2 Lakhs per month and, therefore, the maintenance granted to her is on lower side.
6. I have heard Learned Counsel appearing for the parties and perused the record with due care.
7. It is not in dispute that the parties are husband and wife and they are residing separately. From the evidence adduced by the parties, it is clear that the wife is residing separately from the husband due to reasonable cause and she is not able to maintain her. It is also clear that earlier the husband was working as an Assistant Professor at Rungta Engineering College and at present

he is jobless. It is further clear that the husband is running a coaching institute, namely, Success Point. Though there is nothing on record on the basis of which it could be presumed that how much income the husband is generating by running the said coaching institute, the coaching institute is being run by him in the capital city of Chhattisgarh, i.e., at Raipur and, therefore, it can be presumed that he would be earning sufficiently from the said institute. Hence, the Family Court has rightly granted the maintenance in favour of the wife. Thus, I find no merit in Criminal Revision No.652 of 2017 preferred by the husband and, therefore, it is dismissed.

8. As regards Criminal Revision No.726 of 2017 preferred by the wife, the Family Court has granted her monthly maintenance of Rs.7,000/-. Looking to the social status of the parties and financial status of the husband, the maintenance granted in favour of the wife seems to be on lower side. Therefore, it is enhanced from Rs.7,000/- to Rs.10,000/- per month payable with effect from today. Accordingly, Criminal Revision No.726 of 2017 moved by the wife is disposed of.
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