

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.744 of 2017**

Pankaj Kumar, aged about 37 years, son of Late Sarju Prasad, occupation Service, R/o Village Baasanpara, Sarbhonka, Police Station Patna, Tahsil Baikunthpur, District Korea, Chhattisgarh

---- **Applicant**

versus

1. Neerawati, aged about 32 years, wife of Shri Pankaj Kumar,
2. Ku. Anuska Singh, aged about 08 years, daughter of Shri Pankaj Singh, minor, through her natural guardian mother Smt. Neerawati,

Both are residents of Village Baasanpara, Sarbhonka, P.S. Patna, Tahsil Baikunthpur, District Korea, Chhattisgarh, Presently resident of Village Pasla, Tahsil Surajpur, District Surajpur, Chhattisgarh

--- **Respondents**

For Applicant	:	Shri Pushpendra Kumar Patel, Advocate
For Respondents	:	Shri Pushkar Sinha, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board**

5.4.2018

1. With the consent of Learned Counsel appearing for the parties, the revision is heard and decided finally.
2. This revision has been preferred against the order dated 28.6.2017 passed by the Family Court, Baikunthpur in M.Cr.C. No.65 of 2016, whereby the Family Court has allowed the application under Section 127 of the Cr.P.C. filed by the Respondents and directed the Applicant to pay maintenance of Rs.5,000/- per month to Respondent No.1/wife and that of Rs.3,000/- per month to Respondent No.2/daughter.
3. Facts of the case, in brief, are that earlier an application, being Case No.109 of 2014 under Section 125 of the Cr.P.C. was decided on 23.12.2014 in which the Applicant was directed to pay

maintenance of Rs.3,000/- per month to the Respondents. Thereafter, the Respondents moved an application under Section 127 of the Cr.P.C. for enhancement of the maintenance on the ground that due to rising prices and changed situation they are unable to maintain themselves in the meagre sum of Rs.3,000/- per month. It was further submitted in the application for enhancement that the Applicant is a government teacher and is getting salary of Rs.35,000/- per month.

4. After taking evidence of the parties, the Family Court passed the impugned order dated 28.6.2017. Hence, this revision.
5. Learned Counsel appearing for the Applicant submits that as per the salary-slip of the Applicant, he is getting salary of Rs.22,172/- per month. His ailing mother is dependent upon him and her treatment also involves expenditure. Respondent No.1/wife has financial support from her parents and brother. The amount of maintenance, which has been enhanced, is on higher side and, therefore, the same deserves to be reduced suitably.
6. Learned Counsel appearing for the Respondents supports the impugned order and submits that the enhancement is just and proper and does not call for any interference.
7. I have heard Learned Counsel appearing for the parties and perused the record with due care.
8. Earlier, the order of maintenance was passed in the year 2014. Vide the impugned order dated 28.6.2017, the Family Court has enhanced the amount of maintenance from Rs.3,000/- to total

Rs.8,000/-. Looking to the monthly salary of the Applicant and his other liabilities as also the social status of both the parties, the amount of maintenance enhanced to Rs.8,000/- is just and proper and the same does not warrant any interference.

9. Consequently, the revision is dismissed.
10. Record of the Court below be sent back along with a copy of this order.

Sd/-
(Arvind Singh Chandel)
Judge