

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.1166 of 2017**

1. Tushi Goswami, W/o Shri Santoshpuri Goswami, aged about 32 years,
2. Ku. Deepika Goswami, D/o Shri Santoshpuri Goswami, aged about 09 years, through her natural guardian mother Tushi Goswami, W/o Shri Santoshpuri Goswami, aged about 32 years,

Both are R/o Village Sirpur, Chowki Sirpur, P.S. Tumgaon, Tahsil and District Mahasamund, Chhattisgarh

---- Applicants

versus

Santoshpuri Goswami, S/o Late Shri Sonpuri Goswami, aged about 39 years, R/o Village and Chowki Sirpur, P.S. Tumgaon, Tahsil and District Mahasamund, Chhattisgarh

--- Respondent

For Applicants	:	Shri Utkal Pradhan, Advocate
For Respondent	:	None though memo of appearance is filed

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

26.4.2018

1. This revision has been preferred against the order dated 31.7.2017 passed by the Family Court, Mahasamund in M.Cr.C. No.183 of 2016, whereby the Family Court has refused to grant any maintenance in favour of the wife/Applicant No.1, but has granted maintenance of Rs.1,500/- per month in favour of Applicant No.2/daughter.
2. There is no dispute that marriage took place between the Respondent and Applicant No.1 on 22.6.2004 and out of their wedlock, on 12.7.2007, Applicant No.2 took birth. It is also not in dispute that the husband/Respondent is living separately from the Applicants/wife and daughter. From the evidence available on record, it is clear that the wife/Applicant No.1 is employed as an Anganbadi Worker and is getting Rs.4,000/- per month as *Mandey*.

Therefore, she is able to maintain herself. Thus, the Family Court has rightly rejected her claim of maintenance.

3. So far as Applicant No.2/daughter is concerned, the Family Court has granted her maintenance of Rs.1,500/- per month. From the record, it is also clear that the husband/Respondent is employed as a computer teacher and thereby he earns Rs.3,000/- per month. From perusal of the record, it also reveals that 1.200 hectares, 1.200 hectares and 3.030 hectares, total 5.430 hectares of land is registered in the name of the husband/Respondent. Though he has stated that his mother is in possession of the said land yet no documentary evidence is led by the Respondent before the Trial Court in this regard. Therefore, this contention is not acceptable. Since he owns 5.430 hectares of land and is also employed as a computer teacher, keeping in view his financial status, grant of maintenance of Rs.1,500/- per month to Applicant No.2/daughter is on lower side. Therefore, the same is enhanced and Applicant No.2/daughter is granted maintenance of Rs.2,500/- per month. This enhancement shall be effective from today itself. The order of the Family Court regarding deposit of Rs.1,000/- per month additionally in favour of Applicant No.2/daughter in Sukanya Yojana shall remain intact.
4. Consequently, the revision is allowed in part to the extent indicated above.
5. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge