

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.781 of 2015**

1. Smt. Dharmotin Bai, W/o Banshilal, aged about 45 years,
2. Rewaram, S/o Shri Banshilal, aged about 16 years, minor through guardian mother Smt. Dharmotin Bai,

Both are residents of Street No.11, House No.25/E, Sector 2, Bhilai Nagar, Civil, Tahsil and Revenue District Durg, Chhattisgarh

---- Applicants

versus

Banshilal, S/o Dukhitram, resident of Sector 2, Street 10, Qr.No.17/E, Bhilai Nagar, Tahsil and District Durg, Chhattisgarh

--- Respondent

For Applicants	:	Shri Jaydeep Singh Yadav, Advocate
For Respondent	:	None

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

3.1.2019

1. This is an admitted revision and is listed for final hearing.
2. Vide the impugned order dated 29.5.2015 passed in Criminal M.J.C. No.184 of 2012, the Family Court, Durg has allowed the application under Section 127 of the Code of Criminal Procedure filed by the Applicants and enhanced the monthly maintenance of Applicant No.1/wife from Rs.1,000/- to Rs.2,000/- and that of Applicant No.2/son from Rs.1,000/- to Rs.2,000/-. The Applicants have preferred the instant revision for further enhancement in the amount of maintenance.
3. I have heard Learned Counsel appearing for the Applicants. No one was present on behalf of the Respondent. Perused the record

with due care.

4. Earlier, vide order dated 28.2.2002 passed in Criminal M.J.C. No.166 of 1996, the Judicial Magistrate First Class, Durg allowed the application under Section 125 of the Code of Criminal Procedure so far as it related to Applicant No.2/son and granted him monthly maintenance of Rs.1,000/-, but rejected the said application in respect of Applicant No.1/wife. Thereafter, vide order dated 22.5.2003 passed in Criminal Revision No.226 of 2003 by the Additional Sessions Judge, Durg, Applicant No.1/wife was also granted monthly maintenance of Rs.1,000/-. Thereafter, on 26.3.2012, an application under Section 127 of the Code of Criminal Procedure was filed by the Applicants for enhancement of their monthly maintenance. Vide the impugned order dated 29.5.2015, the Family Court, Durg has allowed the said application and enhanced the monthly maintenance of Applicant No.1/wife from Rs.1,000/- to Rs.2,000/- with effect from the date of the impugned order passed by the Family Court, i.e., 29.5.2015 and that of Applicant No.2/son from Rs.1,000/- to Rs.2,000/- with effect from the date of filing of the application under Section 127 of the Code of Criminal Procedure till the date of his attaining majority, i.e., from 26.3.2012 till 21.11.2013. Since this revision has been preferred for further enhancement of the maintenance, income of the Respondent, which he was earning in the year 2015, is only to be taken into consideration. Initially, in the years 2002 and 2003, monthly maintenance of Rs.1,000/- was granted to each of the Applicants. Since then, price index to the year 2015 has considerably enhanced. Therefore, judicial notice of the same can be taken. The Respondent is working with Bhilai Steel Plant and

as pleaded by Applicant No.1/wife, presently, after all deductions, he is getting salary of Rs.40,000/- per month. In his cross-examination, in paragraph 7, the Respondent has admitted the fact that he is getting gross monthly salary of Rs.49,000/-. As stated by him, following deductions are made from his monthly salary towards various heads:

Sl. No.	Head	Amount (Rs.)
1	CPF	1,000
2	PPF	2,000
3	RED	1,000
4	CTD	1,200
5	Insurance	1,256
6	Income-Tax	7,000 – 8,000
7	Society	3,100 – 3,200
8	House Rent	500
9	Electricity Charge	362
10	Water Charge	15 – 20
11	Cleaning	10 – 15
12	SEWA	50
13	Interest	12,000

But, in this regard, he has not submitted any salary-slip or any other document to show that the above deductions are made from his monthly salary. In paragraph 6 of his cross-examination, he has admitted the fact that after deductions, he gets monthly salary of Rs.25,000/-. Even if this statement of the Respondent is accepted, in this circumstance, the enhancement made by the Family Court in the monthly maintenance of the Applicants by Rs.1,000/- each is on much lower side. Looking to the present price index and monthly income of the Respondent, the monthly maintenance of Applicant No.1/wife is enhanced from Rs.2,000/- to Rs.6,000/- payable to her with effect from today and that of Applicant No.2/son is enhanced from Rs.2,000/- to Rs.6,000/-

payable to him with effect from the date of filing of the application under Section 127 of the Code of Criminal Procedure till he attained majority, i.e., from 26.3.2012 till 21.11.2013.

5. Consequently, the instant revision is allowed to the extent indicated above.
6. 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