

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.412 of 2014**

Smt. Hema Sahu, W/o Maniram Sahu, aged about 25 years, R/o through D/o Shatrughan Sahu, Chandrashekhar Azad Nagar, Devarikhurd, Bilaspur, Police Station Torwa, District Bilaspur, Chhattisgarh

---- Applicant

versus

Maniram Sahu, S/o Melau Ram, aged about 28 years, R/o Village Mandalpara, Datarengi, Police Station Bhathapara, Tahsil Bhathapara, District Balodabazar – Bhathapara, Chhattisgarh

--- Respondent

For Applicant	:	Shri Ravi Maheshwari, Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**7.1.2019**

1. This is an admitted revision and is listed for final hearing.
2. Vide the impugned order dated 29.3.2014 passed in M.Cr.C. No.105 of 2014, the Family Court, Bilaspur has allowed the application under Section 125 of the Code of Criminal Procedure moved by the Applicant/wife and granted her Rs.1,300/- per month as monthly maintenance. The instant revision has been preferred by her for enhancement in the amount of maintenance.
3. As pleaded by the Applicant/wife, her marriage was performed with the Respondent/husband on 27.4.2012. After the marriage, she was subjected to cruelty by the husband and her in-laws for demand of dowry. Thereafter, the husband left her alone at Bhatapara Railway Station and went to Pune. A social meeting

took place in which the husband was inculcated. At that time, he took her with him, but he again subjected her to cruelty and harassment. Thereafter, he left her at her maternal house. She filed an application for restitution of conjugal rights. Then, he, after a compromise, again took her with him. But, thereafter, he again beat her and expelled her out of his house. She is unable to maintain herself. He earns Rs.15,000/- per month by working as a mason.

4. Before the Family Court, the husband remained *ex parte*. *Ex parte* evidence was led by the wife. After recording of her evidence, vide the impugned order dated 29.3.2014, the Family Court allowed the application of the wife and granted her monthly maintenance of Rs.1,300/-.
5. Learned Counsel appearing for the Applicant/wife submits that there is sufficient evidence available on record to establish that the Respondent/husband works as a mason and thereby earns Rs.15,000/- per month. Therefore, the grant of monthly maintenance of Rs.1,300/- in favour of the wife is on much lower side and deserves to be enhanced.
6. I have heard Learned Counsel appearing for the Applicant/wife. No one appeared for the Respondent/husband though memo of appearance is filed on his behalf. I have also perused the record with due care.
7. There is a specific pleading made by the wife before the Family Court that the husband works as a mason and thereby earns

Rs.15,000/- per month. In her Court statement also, she has stated commensurate to her pleadings. Her above statement is not rebutted by the husband. Therefore, on the basis of the un rebutted statement of the wife, it is established that the husband works as a mason and thereby earns Rs.15,000/- per month. Hence, the grant of monthly maintenance of Rs.1,300/- to the Applicant/wife is on lower side. Therefore, the amount of maintenance of the wife is enhanced to Rs.2,500/- per month payable with effect from today.

8. Consequently, the revision is allowed to the extent indicated above.
9. 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