

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 42 of 2019**

- Ratan Singh, S/o Bhagwan Singh, Aged About 48 Years, Caste Gond R/o Village Chhidndiya, Karhipara, Post and Police Station- Patna, District- Koriya Chhattisgarh.

---- Applicant**Versus**

- Smt. Sonkunwar, W/o Ratan Singh, Aged About 37 Years, Caste Gond Occuapation- Housewife R/o Village Ani, Tahsil- Baikunthpur District- Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Sharad Mishra, Advocate

For Respondent : None.

Hon'ble Smt. Justice Rajani Dubey**CAV Order****11.09.2019**

1. Heard on admission.
2. This revision has been filed by the applicant against order dated 21.12.2018 passed by Judge, Family Court, Baikunthpur, District- Koriya (C.G.), in Miscellaneous Criminal MJC No. 67/2018 whereby, the family Court has allowed the application filed by respondent under Section 127 of Cr.P.C. for enhancement of maintenance amount from Rs. 400/- to Rs. 2,500/- per month.
3. Brief facts of the case are that the respondent filed an application under Section 127 of Cr.P.C. before the family Court Baikunthpur, on this ground that she had filed an application

under Section 125 of Cr.P.C. before the Court of Chief Judicial Magistrate, Baikunthpur which was registered as Miscellaneous Criminal Case No. 3/2002 and vide order dated 10.01.2006. The learned family Court had allowed maintenance to the tune of Rs. 400/- per month in favour of respondent and Rs. 400/- in favour of her minor daughter but looking to the present scenario of society, the amount allowed in favour of respondent is not sufficient for their maintenance so respondent filed an application under Section 127 of Cr.P.C. on 25.07.2018 which was allowed by family Court on 21.12.2018 and enhanced the maintenance amount from Rs. 400/- to Rs. 2,500/- per month. Hence, this petition.

4. Learned counsel for the applicant submits that impugned order dated 21.12.2018 is bad in law, perverse, arbitrary and erroneous in nature therefore it is liable to be set aside. The family Court has failed to appreciate the benefits of maintenance is only to protect the women from vagrancy it cannot be exercised as a civil right. The family Court has failed to appreciate that respondent is doing labour work and maintaining herself. The applicant is living below poverty line therefore he is not in a position to give any amount, as respondent has having agricultural land she is healthy lady and doing labour work, so, she is able to maintain herself. Therefore, enhanced amount of maintenance in favour of respondent is on the higher side and deserves to be set aside.
5. No one appeared on behalf of respondent though notice has

been served.

6. Heard counsel for the applicant and perused the material available on record. It is clear from the impugned order that application of respondent is allowed on 10.01.2006 and learned Chief Judicial Magistrate granted Rs. 400/- in favour of respondent and Rs. 400/- in favour of her daughter. After 12 years, respondent filed an application under Section 127 of Cr.P.C. for enhancement of maintenance amount.
7. It is to be seen that the period of about 12 years have been rolled since the date when the impugned order was passed between the parties and there had been sufficient rise in price during this period but the learned trial Judge, adopting very reasonable approach, enhanced the amount. Looking to the present price index, amount of Rs. 2,500/- per month as maintenance would be just and proper for respondent granted by the family Court in her favour.
8. Accordingly, the revision has no merit and is hereby dismissed at motion stage.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi