

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 61 of 2018**

1. Radhabai W/o. Lalit Kumar, Aged About 31 Years,
2. Ku. Yashoda Minor, D/o Lalit Kumar, Aged About 14 Years

As the revisioner No.2 is a Minor And Is Represented By Her Natural Mother Namely Radhabai (Revisioner No.1).

Both the revisioners are R/o. Village Raghunathpur, P. S. And Tehsil Pathalgaon, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- Lalit Kumar S/o Chandra Shekhar, Aged About 38 Years R/o. Village Mudapaar, P. S. And Tehsil Pathalgaon, District Jashpur Chhattisgarh, Chhattisgarh

----Respondent

For Applicants	: Shri Surfaraj Khan, Advocate
For Respondent	: Shri Kaushal Yadav, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****28.8.2019**

1. Heard on admission.
2. This revision is directed against the order dated 10.2.2017, passed by the Judge, Family Court, Jashpur(CG) in Misc.Cr. Case No.44/2016, whereby the Judge Family Court has partly allowed the application filed by the applicants under Section 127 Cr.P.C. and granted maintenance of Rs.4000/- to applicant No.1- wife and Rs.3000/- to applicant No.2-daughter, total Rs.7000/- per month.

3. Facts of the case in brief are that before the trial Court the applicants filed an application under Section 125 Cr.P.C, claiming maintenance of Rs.3000/- per month and vide order dated 19.2.2007, by partly allowing their application, they were granted maintenance of Rs.1500/- per month (Rs.1000/- to applicant No.1 and Rs.500/- to applicant No.2) by the Judicial Magistrate First Class, Pathalgaon, District Jashpur (CG) in Misc. Cr. Case No.48/2005. On 25.6.2016, eleven years after passing of the said order, the applicants again filed an application before the Family Court under Section 127 Cr.P.C. for enhancement of the amount of maintenance, claiming Rs.5000/-, Rs.5000/-, total Rs.10000/- per month and the Judge, Family Court by allowing their application has granted maintenance of Rs.4000/- in favour of applicant No.1, and Rs.3000/- in favour of applicant No.2, total Rs.7000/- per month. Hence, this revision has been filed by the applicants for enhancement of the maintenance amount.
4. Learned counsel for the applicants submits that amount of maintenance awarded by the learned Family Court is meager and it is liable to be modified in the present scenario. On account of demand of dowry and cruelty, applicant No.1 along with her daughter is living with her parents. Now her daughter is aged about 14 years and going to School and has expenditure of studies, therefore, the learned Family Court has committed a great mistake of facts and law without forgoing the miserable condition of the applicants. The Family Court ought to have granted maintenance to the applicants as per the law laid down

by the Hon'ble Apex Court and the orders passed by this Court in series of matters that too at the prevailing economic line of survival. The amount of maintenance is very less, therefore, it should be enhanced suitably.

5. On the other hand, learned counsel for the respondent has supported the impugned order and submits that the order passed by the Family Court is just and proper and requires no interference by this Court.
6. I have heard learned counsel for the parties and perused the material available on record.
7. The Family Court has appreciated the evidence in para 6 to 8 of the order holding that the respondent has two vehicles, one tractor and one pick-up, agricultural land and has a Kirana Shop out of which, he earns a good amount and thus, he has sufficient source of income and he is capable to pay the amount of maintenance to the applicants, who are his wife and daughter. No other legal issue is there between the parties. The respondent being a husband and father, is liable to maintain them. Therefore, looking to the present price index and the requirement and the expenditure of studies, I am of the view that the order passed by the Family Court requires to be modified enhancing the amount of maintenance. Accordingly, the revision is allowed and the amount of maintenance is enhanced from Rs.4000/- to Rs.5000/- in favour of applicant No.1- wife and from Rs.3000/- to Rs.5000/- in favour of applicant No.2- daughter, total Rs.10000/- per month. Now, the

respondent shall pay to the applicants Rs.10000/- per month as maintenance from the date of passing of this order.

8. With the aforesaid modifications, the revision stands disposed of at the admission stage itself.

Sd/

(Rajani Dubey)

JUDGE