

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 852 of 2015**

1. Smt. Shanti, aged about 37 years W/o Shobhasingh D/o Bhacchalal, By Caste Gond, S/o Ramratan, By Caste Gond, R/o Shivpur, At present R/o Village Dubechola, P.O. Sonamani, Thana and Tahsil Khadgawa, Distt. Koriya (C.G.).
2. Ku. Nishi, aged about 7 years D/o Shobhasingh By Caste Gond, R/o Village Dubeychola, P.O. Sonamani, Thana and Tahsil Khadgawa, being minor, through Smt. Shanti, aged about 37 years W/o Sobhasingh, D/o Bhacchalal, By Caste Gond, S/o Ramratan, By Caste Gond R/o Shivpur, At present R/o of Village Dubechola, P.O. Sonamani, Thana and Tahsil Khadgawa, Distt. Koriya

----Applicants**Versus**

Shobha Singh, aged about 40 years S/o Ramratan By Caste Gond, R/o Village Shivpur, P.O. Bardar, Thana and Tahsil Khadgawa, Distt. Koriya (C.G.).

---- Respondent

For Applicants	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Mrs. Uma Sahi, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****29/04/2019**

1. This revision has been filed against order dated 14/07/2015 passed in Miscellaneous Criminal Case No. 104/2013 by the Family Court, Manendragarh, District Koriya, whereby the Family Court has allowed the application under Section 125 of the Cr.P.C and granted monthly maintenance of Rs. 1500/- in favour of Applicant No. 1 and Rs. 3000/- in favour of Applicant No.2.
2. Facts of the case are that the Applicants had moved an application under Section 125 of the Cr.P.C before the Family Court on the grounds that after the marriage, the Respondent used to harass and committed cruelty with Applicant No. 1. It was further pleaded that the Respondent without

obtaining any legal divorce from Applicant No. 1, has performed second marriage with another lady. Though, Applicant No. 1 is working at Aangan Badi Kendra and getting monthly honorarium of Rs. 1750/-, she spent Rs. 70/- daily on conveyance for the purpose to go and come from her job. Therefore, the said amount is not sufficient to maintain herself as well as to her daughter. It was further pleaded that the Respondent has sufficient means to maintain themselves. He is working as teacher and getting monthly salary of Rs. 25000/-. He also owned 20 acres of land at village Shivpur.

3. In his reply, the Respondent denied all the averments made against him. It was pleaded by him that he is getting Rs. 12000/- monthly. His mother and two nephews are dependent upon him.
4. After recording the evidence and hearing the submissions of both the parties, the learned Family Court vide impugned order dated 14/07/2015 has granted monthly maintenance as mentioned in paragraph one of this order. Thus, this revision has been filed by the Applicants for further enhancement.
5. Counsel for the Applicant submits that though Applicant No. 1 is working at Aangan Badi Kendra and getting monthly honorarium of Rs. 1750, the Family Court has ignored this fact that out of this amount she spent Rs. 30/- for traveling. Thus, the monthly maintenance granted by the Family Court is not sufficient for maintaining herself. He further submits that the Family Court has also ignored the fact that admittedly the Respondent is working as Teacher and getting monthly salary of Rs. 28000/-. He also owned some land, therefore, looking to the financial status of the Respondent, the maintenance amount is on lower side, which should be

suitably enhanced.

6. Counsel for the Respondent supported the impugned order.
7. I have heard counsel for the parties and perused the records.
8. In his cross-examination in para 14, the Respondent has categorically admitted that presently he is getting monthly salary of Rs. 28000/-. He also admitted the fact that in his family, there are 5 acres of agricultural land and he performs agricultural work on the said land. In para 22 of his cross-examination, he also categorically deposed that out of his income, Rs. 12000 to 14000/- is used for his expenses. He further admitted the facts that Applicant No. 1 is working as Aangan Badi Karyakarta, but she spent Rs. 30 on her traveling. From the record, it is also established that the Respondent has performed second marriage and is residing with his second wife, and out of their wedlock, one child has borne.
9. Considering the financial status of the Respondent, his other responsibility and social status of both the parties, the maintenance awarded by the Family Court in respect of Applicant No. 1 is on lower side.
10. Accordingly, it is ordered that the Respondent shall now pay Rs. 3000/- as monthly maintenance to Applicant No. 1 from today. The order of maintenance in respect of Applicant No. 2 shall remain affirmed.
11. Consequently, the revision is partly allowed to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge