

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 108 of 2018**

1. Lalita Pandagre W/o Shri Rajkumar Pandagre Aged About 30 Years
2. Brijesh Pandagre @ Ansh S/o Shri Rajkumar Pandagre Aged About 5 Years Through The Wali Mother Applicant No. 1, Lalita Pandagre W/o Rajkumar Pandagre,

Both the applicants are R/o Baijnath Modi Nagar House No. 4, Ward No. 27 Raigarh P. S. Chakradhar Nagar Tahsil And District Raigarh Chhattisgarh Presently R/o 27 Kholi Bilaspur P. S. Civil Line Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

Rajkumar Pandagre S/o Sitaram Pandagre Aged About 38 Years R/o Junapani P. S. Saikheda, Tahsil And District Batul Madhya Pradesh,

----Respondent

For Applicants	: Shri Vijay Kumar Deshmukh, Advocate
For Respondent	: Shri Atanu Ghosh, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****31.7.2019**

1. Heard the matter finally with the consent of the parties at admission stage.
2. This revision is directed against the order dated 7.11.2017, passed by the Judge, Family Court, Raigarh (CG) in Misc. Cr. Case No. 64/2017, whereby, the Judge Family Court has partly allowed the application filed by the applicants under Section 125 Cr.P.C. and granted maintenance amount from Rs.1500/- and Rs.500/- per month to applicant No.1(wife) and applicant No.2(son) respectively.

3. Facts of the case are that the applicant No.1(hereinafter referred to as the applicant) is wife of the respondent. She filed an application under Section 125 Cr.P.C. before the Family Court, Raigarh for grant maintenance on the ground that she was married to the respondent on 18.4.2012 and out of their wedlock applicant No.2, son was born. The applicant along with her son is living separately on account of physical and mental torture by the respondent and his family members for demand of dowry.
4. Before the Family Court, the respondent did not appear, therefore, ex-parte order has been passed.
5. The Family Court after hearing counsel for the applicants has partly allowed the applicant and granted maintenance of Rs.1500/- to wife and Rs.500/- to son, in all Rs.2000/- per month. Hence, this revision has been filed for enhancement of the maintenance amount.
6. Learned counsel for the applicants submits that the respondent is having agricultural land and he is doing private job and thereby he is earning a good amount. He submits that the maintenance awarded by the Family Court is on lower side and it requires reconsideration. The applicants claimed that Rs.5000/- per month may be granted to them.
7. On the other hand, learned counsel for the respondent supported the impugned order and submits that the order passed by the trial court is just and proper and requires no interference.

8. I have heard learned counsel for the parties and perused the impugned order.
9. This revision has been filed for enhancement of the amount of maintenance. It is held by the Family Court in para 8 of the order that the applicant did not file any document regarding movable or immovable property of the respondent, therefore, the amount of maintenance has been decided on the basis of daily wages.
10. Now-a-days, minimum wages rate is Rs.300/- per day, which comes to Rs.9000/- per month. In the present case, applicant No.1 is maintaining her son. Looking to the rise in price of various items of daily needs, the amount of maintenance requires reconsideration.
11. Accordingly, the revision is partly allowed. The amount of maintenance is increased from Rs.1500/- to Rs.2000/- to applicant No.1 and from Rs.500/- to Rs.1000/- to applicant No.2, in all, Rs.3000/- in the facts and circumstances of the case. It is directed that the respondent shall pay maintenance of Rs.3000/- per month to the applicants from the date of passing of this order.
12. The revision is partly allowed.

Sd/

(Rajani Dubey)
JUDGE