

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 831 of 2017**

Munni Bai W/o Tribhuvan, aged about 48 years, R/o Village Hasoud, P.S. and
Tahsil – Jaijaipur, District- Janjgir Champa (Chhattisgarh)

---- Applicants

Versus

Tribhuvan S/o Shri Chhannu Lal, aged about 56 years R/o Mohandikhurd, Tahsil
Malkharoda, P.S. Sakti, District Janjgir-Champa (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Prakash Tiwari, Advocate
For Respondents	:	Mr. Ishwar Jaiswal, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/03/2019

1. This revision has been preferred against order dated 20/04/2017 passed in Miscellaneous Criminal Case No. 02/2017 by the Family Court, Link Court at Shakti, whereby the learned Family Court has enhanced the maintenance amount from Rs. 250 to Rs. 2000/- in favour of the Applicant.
2. Facts of the case are that the Applicant is legally wedded wife of the Respondent. She moved an application for grant of maintenance before the Judicial Magistrate First Class, Sakti, which was registered as Miscellaneous Criminal Case No. 22/89. Vide order dated 02/05/1992, the said application was allowed and Rs. 250 as monthly maintenance was granted in favour of the Applicant. Thereafter, the Applicant filed an application under Section 127 of the Cr.P.C before

the Family Court for enhancement of the said maintenance amount on the ground that though she is working as Aangan Badi Karyakarta and getting monthly honorarium of Rs. 2000/-, that amount is not sufficient for her livelihood because of present price index. It was further pleaded by her that the Respondent owned 4 acres of agricultural land. There is 25 acres of agricultural land on the joint name of the Respondent and he earns monthly income of Rs. 20,000/-.

3. In his reply, the Respondent denied all the allegation made against him. It was pleaded by him that the Applicant is getting monthly honorarium of Rs. 6000/- while working as Aagan Badi Karyakarta, therefore, she is not entitled to get any enhancement
4. After recording the evidence of both the parties and hearing their submission, vide impugned order dated 20/04/2017, the Family Court has allowed the said application and enhanced the monthly maintenance from Rs. 250/- to Rs. 2000/-. Thus, this revision has been filed by the Applicant/Wife on the ground that looking to the financial status, earning capacity of the Respondent, the enhanced maintenance amount of Rs. 2000/- is on lower side.
5. I have heard counsel for the parties and perused the record.
6. There is no dispute on the point that the Applicant is working as Aangan Badi Karyakarta. In her court Statement, the Applicant has deposed that she is getting Rs. 2000/- monthly, but in the information provided by the Pariyojna Adhikari under RTI (Ex.P-1), it is apparent that the Applicant is getting monthly Rs. 4063/-. Thus, it is well

established that presently the Applicant is working as Aangan Badi Karyakarta and getting monthly payment of Rs. 4063/-. The Applicant has submitted certain documents Ex.P-4 to Ex.P-7, which shows that there is 46.50 acres of agricultural land on the joint name of the Respondent and his seven sister. The Respondent, in his statement, has stated that there is partition of his sister in the said agricultural land. The above statement of the Respondent has not been rebutted before the Family Court by the Applicant. Moreover, Jeevan Singh (Non-Applicant Witness No. 2) and Shivcharan (Non-Applicant Witness No.3) have also deposed that they work on the partitioned land of Respondent's sisters namely Radha and Tara. Their statements were also not rebutted. Thus, from the above evidence, it is well established that the land is in partition between the Respondent and his sisters and after partition, around 5.5 acres of land would come in the share of the Respondent. The Applicant has also admitted the fact that the Respondent is having mother, second wife and three children, who are dependent on him.

7. In these circumstances, looking to the earning capacity of the Respondent and further looking to the dependency upon him, the enhancement which was granted by the Family Court is just and proper and requires no interference.
8. Consequently, the revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge