

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 226 of 2018**

Rathram Sahu S/o Kirtan Lal Sahu, aged about 44 years R/o Quarter No. 169/5/A Balco Nagar Tahsil & District Korba (C.G.)

---- Applicant**Versus**

1. Smt. Nira Sahu W/o Rathram Sahu, aged about 33 years,
2. Ku. Ishika Sahu D/o Rathram Sahu, aged about 14 years
3. Prajjwal Sahu S/o Rathram Sahu, Aged about 11 years

Non-Applicant No. 2 & 3 are minor natural guardian is mother Non-Applicant No.1)

All above Non-Applicants are R/o of Gaytri Mandir Road Bhadara-para Balco, Police Station Balco, District Korba (C.G.)

---- Respondents

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For Respondents	:	Mr. Ashutosh Shukla, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**01/03/2019**

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been filed by the Applicant against order dated 27/01/2018 passed by the Judge, Family Court, Korba in MJC No. 239/2016, whereby the learned Family Court has partly allowed the application filed under Section 125 of the Cr.P.C and granted monthly maintenance of Rs. 5000/- each in favour of Respondents 2 & 3.
3. The marriage between the Applicant and Respondent No. 1 was solemnized on 29/02/2009 and out of their wedlock, Respondent Nos.

2 & 3 borne. Both Respondent No. 1 and the Applicant are working on the post of Siksha Karmi. Presently, the Applicant and Respondent No. 1 are residing separately. Respondent Nos. 2 & 3 are residing with their mother i.e. Respondent No.1. The Respondents had filed an application under Section 125 Cr.P.C for their maintenance on the grounds that due to ill treatment given by the Applicant/Husband, Respondent No. 1 is residing separately with her children and they are unable to maintain themselves.

4. In his reply, the Applicant denied all the allegations made against him and pleaded that Respondent No. 1 is also working as Siksha Karmi, therefore, she is able to maintain herself as well as both the children.
5. After recording the evidence of both the parties and hearing their submission, the learned Family Court has rejected the application in respect of Respondent No. 1 and partly allowed the application in favour of Respondent Nos. 2 & 3 and granted maintenance as mentioned in paragraph one of this order. Hence, this revision filed by the Applicant.
6. Counsel for the Applicant submits that ignoring the fact that Respondent No. 1 is also working as Siksha Karmi and she has sufficient means to maintain herself as well as Respondents 2 & 3, the learned Family Court has granted maintenance in favour of Respondent Nos. 2 & 3. He further submits that considering the social and financial status of both the parties, the maintenance amount is on higher side and the same should be suitably reduced.

7. Counsel for the Respondent supported the impugned order.
8. I have heard counsel for the parties and perused the record.
9. There is no dispute on the point that Respondent No. 1 and the Applicant are working as Siksha Karmi. Before the Family Court, Respondent No. 1 stated that her monthly salary is Rs. 22000/-, however, no document was submitted by her in this regard. But, the Family Court arrived at the conclusion that the monthly salary of Respondent No. 1 is Rs. 22000/-. A salary slip for the month of July 2018 has been submitted before this Court which shows that in the month of July 2018, Respondent No. 1 was getting Rs. 29984/- after all deductions. The Applicant also admitted the fact that he is getting monthly salary of Rs. 35000/-, thus it is clear that the Applicant is getting higher salary in comparison to Respondent No. 1.
10. Considering the fact that Respondent No. 1 is also a working lady and presently getting about Rs. 29984/-, therefore, the maintenance awarded by the Family Court in favour of Respondent Nos. 2 & 3 is on higher side. Therefore, it is ordered that the Applicant shall now pay Rs. 4000/- each to Respondents 2 & 3 as monthly maintenance from today. Total Rs. 8000/-.
11. Consequently, the revision is partly allowed to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge