

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 497 of 2019**

- Shriram Vijay Sahu S/o Harish Babu Aged About 32 Years R/o Chandipara, Pamgarh, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

1. Dipika Sahu D/o Ramdular Sahu Aged About 26 Years Caste Teli,
2. Radhika Sahu S/o Shriram Vijay Sahu Aged About 5 Years Minor Through Natural Guardian Mother Dipika Sahu, Wife Of Shriram Vijay Sahu, Caste Teli,

Both R/o Pamgarh, District Janjgir Champa Chhattisgarh. At Present R/o Near Church Bhathapara, Janjgir, District Janjgir Champa Chhattisgarh.

---- Non-Applicants

For Applicant	: Shri Rajat Agrawal, Advocate
For Non-Applicants	: Shri Vivek Mishra, Advocate on behalf of Shri Manoj Paranjape, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****06.08.2019**

1. Heard on admission.
2. This revision is preferred against the order dated 15.2.2019, passed by the Judge, Family Court, Janjgir, District Janjgir Champa(CG) in Misc. Cr. Case No.202/2017, wherein the said Court has partly allowed the application filed by the non-applicants under Section 127 Cr.P.C. and enhanced the amount of maintenance from Rs.4000/- to Rs.8000/- per month.
3. Before the Family Court the non-applicants (wife and daughter) filed an application under Section 127 Cr.P.C. for enhancement of

maintenance amount which was awarded by the Family Court on 2.8.2014 to non-applicant No.1- wife Rs.3000/- and to non-applicant No.2-daughter Rs.1000/-, total Rs.4000/- on their application filed under Section 125 Cr.P.C. After some time, the non-applicants again filed application under Section 127 Cr.P.C. seeking enhancement of the amount of maintenance from Rs.4000/- to Rs.18000/- per month and the Family Court on 15.2.2019 partly allowed their application and enhanced the maintenance amount from Rs.3000/- to Rs.5000/- in favour of non-applicant No.1- wife and from Rs.1000/- to Rs.3000/- to non-applicant No.2- daughter, in all, Rs.8000/- per month. Hence, the applicant has filed this revision for quashment of the order of enhancement of maintenance amount.

4. Learned counsel for the applicant submits that the order passed by the Family Court is illegal, arbitrary and improper and liable to be set aside. He submits that the learned Family Court has just doubled the amount of maintenance. The maintenance amount awarded earlier for Rs.4000/- is just and proper and sufficient for the livelihood of the non-applicants. The Court has not appreciated the evidence that non-applicant No.1 is working as a Nurse in a Nursing Home at Champa and earning Rs.10000/- whereas, the applicant is getting salary of Rs.26697/- after deduction and mother and father of the applicant are old and they are suffering from various types of old age diseases, therefore,

the applicant is unable to pay the enhanced amount of maintenance.

5. On the other hand, learned counsel for the non-applicants supported the impugned order and submits that the order passed by the Family Court is just and proper and there is no illegality or infirmity in the order.
6. I have heard learned counsel for the parties and perused the impugned order and the material on record.
7. It is an admitted fact that non-applicant No.1 is wife of the applicant and non-applicant No.2 is daughter of the applicant. Previously, the Family Court has passed an order of maintenance of Rs.4000/- per month in favour of the non-applicants and after 3 years on 23.10.2017, the non-applicants have filed an application under Section 127 Cr.P.C. for enhancement of the amount of maintenance. Before the Family Court both the parties have adduced their evidence and the wife has filed documents related to the salary of the applicant, copy of house rent agreement, which shows that she is paying Rs.4000/- as house rent. The applicant has admitted that his salary is Rs.29822/- and after deduction he is getting Rs.26697/-. The applicant has also not filed any document that non-applicant No.1-wife is doing any job. The Family Court has awarded only Rs.8000/- per month by enhancing from Rs.3000/- to Rs.5000/- to non-applicant No.1 and from Rs.1000/- to Rs.3000/- to non-applicant No.2, which is just and proper looking to the present price index daily requirements

of the non-applicants and there is no need to interfere with the order passed by the Family Court.

8. Accordingly, the revision is dismissed at the admission stage itself.

Sd/

(Rajani Dubey)

JUDGE