

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.484 of 2018**

Sanjay Singh Chandel, S/o Shri Syam Sunder Singh, aged 38 years, Caste Chhatriya, R/o Sukli, presently residing at Behind Tripathi Patholab, Aspataal Colony, Sitapur, Tahsil Sitapur, District Ambikapur, Chhattisgarh

---- **Applicant**

versus

Smt. Kavita Singh @ Ranjita Singh, aged 36 years, W/o Sanjay Singh Chandel, Caste Chhatriya, R/o Sukli, presently residing at Darang, Tahsil and Police Station Champa, District Janjgir-Champa, Chhattisgarh

--- **Respondent**

For Applicant	:	Shri Shivang Dubey, Advocate
For Respondent	:	Shri Abhishek Pandey, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14.1.2019

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 13.2.2018 passed by the Family Court, Janjgir in M.Cr.C. No.352 of 2016, whereby the Family Court, while allowing the application under Section 127 of the Code of Criminal Procedure, enhanced the amount of monthly maintenance in favour of the Respondent/wife from Rs.2,500/- to Rs.5,000/-. Hence, this revision by the husband.
3. Initially, vide order dated 16.8.2010 passed in M.J.C. No.21 of 2010, the application under Section 125 of the Code of Criminal Procedure was allowed and Rs.2,000/- monthly maintenance was granted in favour of the Respondent/wife. Thereafter, she preferred an application for enhancement of the said amount of maintenance. Vide order dated 20.6.2014 passed in M.Cr.C. No.220 of 2012, it was enhanced from Rs.2,000/- to Rs.2,500/-.

Thereafter, the Respondent/wife submitted the aforesaid application under Section 127 of the Code of Criminal Procedure on 4.11.2016 for further enhancement. Vide the impugned order dated 13.2.2018, the amount of monthly maintenance has been enhanced from Rs.2,500/- to Rs.5,000/-.

4. Learned Counsel appearing for the Applicant submits that presently the Respondent is working in the office of Zila Bal Sanrakshan Adhikari and is getting monthly salary of Rs.8,000/-, therefore, enhancement in the amount of maintenance is not needed.
5. Learned Counsel appearing for the Respondent submits that the Applicant is presently getting monthly salary of Rs.33,683/-. He also owns some agricultural land. Therefore, looking to the facts and circumstances, the enhancement made in favour of the Respondent/wife is just and proper.
6. I have heard Learned Counsel appearing for the parties and perused the record with due care.
7. From perusal of paragraph 18 of the impugned order, it is clear that in the year 2010, the Applicant was getting monthly salary of Rs.11,000/- and presently he is getting monthly salary of Rs.33,683/-. Though the Respondent is also getting monthly salary of Rs.8,000/-, looking to the present price index, it does not appear that the Respondent/wife would be able to maintain herself in the monthly salary of Rs.8,000/- in the same standard as the Applicant/husband would be maintaining himself. In the circumstances, the enhancement made is just and proper.
8. Consequently, I find no merit in the revision. It is, therefore,

dismissed.

9. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge