

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1698 of 2018

Rohit Singh, S/o. Dharamraj Singh, Aged About 33 Years, R/o. Village Bhurkabhatha, Post Office- Kosamtara, Police Station- Setganga, District Mungeli (C.G.).

---- Petitioner

Versus

Anamika Singh, W/o. Rohit Singh, Aged About 27 Years, R/o. Village Bhurkabhatha, Present Village- Sambalpur, District Mungeli, (C.G.).

---- Respondent

For Petitioner : Ms. Upasana Mehta & Mr. Dharmesh Shrivastava, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2019

Heard

1. The present petition is against the order dated 11.07.2018 passed in Criminal Revision No.45/2017 by the learned Sessions Judge, Mungeli. By such order, the revisional Court has enhanced the maintenance amount from Rs.1000/- to Rs.1800/-.
2. The facts as would reveal that the petitioner married to the respondent on 30.06.2006. Subsequently, it was complained by the respondent that she was subjected to torture and cruelty for demand of dowry and as such, she was thrown out of the house. It was further stated that she do not have any source of income, she is unable to maintain her and the husband is competent person and along-with his father he is holding 25 acres of land whereby they were earning Rs.12 Lakhs per year and as such, Rs.5000/- maintenance was claimed for.
3. The husband in reply to the petition claimed by the wife for maintenance contended that he was holding the joint land and it

was stated that since the land was held jointly, it was difficult to pay the separate maintenance and earns so as to carve out the same.

4. The trial Court on the basis of the pleading of the parties has passed the order of maintenance of Rs.1000/- to be paid to the wife. The wife having filed the revision, the revisional Court has enhanced it to Rs.1800/-.
5. Perusal of the order would show that before the trial Court the facts came that the father of the petitioner was holding 23.197 acres of land as per Ex.P-1. The order would further show that the petitioner failed to prove the fact that the wife was getting Rs.2000/- per month from the State whereas in the examination in chief the husband admitted that he had 4 acres of land wherein he is getting Rs.60-70 thousand and further amended it to Rs.20-30 thousand per annum. The trial Court after evaluating the factual aspect has come to a conclusion that Rs.1000/- per month to the wife is too meager and has enhanced it to Rs.1800/-.
6. Taking into totality of the maintenance granted to the wife i.e. Rs.1800/- per month do not appears to be exorbitant as compared to the price index which is prevailing in the society. Under the circumstances, I do not find any reason to interfere with the order passed by the Court below so as to held that both the Court below has failed to exercise its jurisdiction and has acted beyond the jurisdiction vested in it under the law.
7. In view of the above, the petition *sans merit* and is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge