

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 960 of 2019**

- Satish @ Raje Dhawalkar, S/o Late Darbarilal Dhawalkar, Aged About 55 Years, Occupation- Clerk Water Resources Department, Collocretorate Branch Kawardha, R/o Mathpara, Kawardha, Police Station & Tahsil- Kawardha District- Kabirdham Chhattisgarh.

----Applicant**Versus**

1. Smt. Ramkumari Dhawalkar, W/o Shri Satish @ Raje Dhawalkar, Aged About 50 Years, R/o Mathpara, Kawardha Chhattisgarh, Present Address- Kilapara Ward No.6 Pandariya, Police Station & Tahsil- Pandariya, District- Kabirdham Chhattisgarh.
2. Ku. Priya @ Ranu Dhawalkar, D/o Shri Satish @ Raje Dhawalkar, Aged About 23 Years, R/o Mathpara, Kawardha Chhattisgarh, Present Address- Kilapara Ward No.6 Pandariya, Police Station & Tahsil- Pandariya, District- Kabirdham Chhattisgarh.

---- Respondents

For Applicant	: Ms. Upasana Mehta, Advocate
For Respondents	: Mr. Basant Dewangan, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30.09.2019**

1. Heard on Admission.
2. This revision has been filed by the applicant against order dated 30.04.2019 passed by learned Judge, Family Court, Kawardha, District- Kabirdham (C.G.), in Miscellaneous Criminal Case No. 815/2018 whereby, the family Court has partly allowed the application under Section 127 of Cr.P.C. for enhancement of maintenance amount from Rs. 5,000/- to Rs. 8,000/- .
3. Brief facts of the case are that respondent No. 1 is legally

wedded wife of the applicant and respondent No. 2 is their daughter. The respondents filed an application under Section 125 of Cr.P.C. and the learned Court has granted Rs. 2,500/- in favour of Respondent No. 1 (wife) and Rs. 2,500/- in favour of Respondent No. 2 (daughter), total Rs. 5,000/- per month as maintenance vide order dated 12.06.2013. Looking to the present scenario of society, the amount enhance in favour of the respondents is not sufficient for their maintenance so, respondents again filed an application under Section 127 of Cr.P.C. on 24.11.2018 for enhancement of maintenance amount and the family Court partly allowed the application and granted Rs. 5,000/- in favour of respondent No. 1 (wife) and Rs. 3,000/- in favour of respondent No. 2 (daughter), total Rs. 8,000/- per month has been granted in favour of the respondents as maintenance. Hence, this revision.

4. Learned counsel for the applicant submits that the impugned order dated 30.04.2019 passed by the learned Judge, Family Court, Kawardha, District- Kabirdham (C.G.) is bad, illegal, perverse and contrary to law as well as facts and circumstances of the case deserve to be set aside. Learned family Court allowed the application on this ground that respondents have established their case and, therefore maintenance allowance is liable to be modified and enhanced the amount Rs. 3,000/- in addition to earlier granted maintenance amount of Rs. 5,000/-. Learned family Court failed to appreciate the application and reply filed by the applicant in proper perspective. Respondent

No. 1 has categorically stated that she is a healthy lady and also stated that her daughter is school teacher therefore, the impugned order is liable to be set aside.

5. Learned counsel for the respondents supporting the impugned order submits that the family Court was fully justified in passing the impugned order.
6. Heard learned counsel for both the parties and perused the material available on record.
7. It is clear from the record that application under Section 125 of Cr.P.C. has been decided by this High Court on 12.06.2013 and respondents has been granted Rs. 2,500/- each per month as maintenance. After 5 years, on 24.11.2018 respondents filed an application under Section 127 of Cr.P.C. for enhancement of maintenance amount. The learned family Court after appreciating oral and documentary evidence enhanced the amount from Rs. 5,000/- to Rs. 8,000/- per month in favour of the respondents.
8. Looking to the present price index, amount of Rs. 8,000/- per month as maintenance would be just and proper for respondents granted by the family Court in her favour.
9. Accordingly, the revision petition is dismissed at motion stage.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi