

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 421 of 2017**

Shirin Siddiqui W/o Mohar Khan, Aged About 30 Years R/o Pendra Thana  
Pendra District Bilaspur Chhattisgarh, Chhattisgarh

**---- Applicant**

Versus

Mohar Khan S/o Abdulla Khan Musalman, Aged About 30 Years R/o Ratanpur  
Gandhinagar, Thana Ratanpur, District Bilaspur Chhattisgarh , Chhattisgarh

**--Respondent**


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| For Applicant   | : | Mr. Rajendra Kumar Patel, Advocate |
| For Respondents | : | Mr. Anubhuti Marhas, Advocate      |

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Hon'ble Shri Justice Arvind Singh Chandel

**Order on Board****04/02/2019**

1. With the consent of both the parties, the matter is heard finally.
2. By order dated 28/07/2015 passed in Criminal Case No. 15/2013 by Judicial Magistrate First Class, Pendra Road, the application submitted under Section 125 of the Code of Criminal Procedure was allowed and monthly maintenance of Rs. 3000/- was granted in favour of the Applicant. Against the said order, a revision was preferred by the Respondent/Husband before the Sessions Judge, Pendra Road, District Bilaspur and vide order dated 04/12/2015 passed in Criminal Revision No. 35/2015, the learned Sessions Judge partly allowed the revision and reduced monthly maintenance from Rs. 3000/- to Rs. 1200/-. Thus, this revision has been preferred by the Applicant/wife against the said order.

3. I have heard counsel for the parties and perused the record of the Courts below.
4. As pleaded by the Applicant, the Respondent is working in govt. college, Ratanpur as Computer Operator and is getting monthly payment of Rs. 10000/-. Though in his reply, the Respondent denied this fact and as stated by him, he is not working anywhere. But in para 5 of his Court statement, he admitted the fact that at the time of his marriage, he was working as Computer Teacher at Ratanpur college. Presently he is aged about 35 years. There is nothing on record which shows that due to any physical or mental illness he is unable to do any work. Since, he is 35 years of age and a fit person, therefore, it presumes that he is able to do any physical work. Looking to the Collector rate for daily wages, it can be presume that the Applicant may earn monthly Rs. 8000-9000. In these circumstances and considering the present price index, the order of Sessions Judge reducing the maintenance amount from Rs. 3000/- to Rs. 1200/- is not justified.
5. Considering the above aspects of the matter, it is ordered that the Respondent shall now pay Rs. 2500/- to the Applicant as monthly maintenance from today.
6. Accordingly, the revision is allowed.

Sd/-  
**(Arvind Singh Chandel)**  
Judge