

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 204 of 2015**

Laxmikant Jangde S/o Shri Jodhan Das Jangde, aged about 26 years Caste Satnami, R/o Nawdha Chowk, Parasbhatha, Ward No. 32, Balco Nagar, Distt. Korba (C.G.).

----Applicant**Versus**

Smt. Shanti Bai W/o Laxmikant Jangde, aged about 23 years Caste Satnami R/o Nawdha Chowk, Parsabhatha, Ward No. 32 Balco Nagar, Distt. Korba (C.G.) at present R/o Village Navapara (Haija), Post Pahariya, Thana- Balco Police Chowki Pantora, Distt. Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Patel, Advocate
For Respondent	:	Mr. V.R. Tiwari, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****30/04/2019**

1. This revision has been filed against order dated 31/12/2014 passed in Miscellaneous Criminal Case No. 78/2014 by the Family Court, Janjgir, whereby the Family Court allowed the application under Section 125 of the Cr.P.C and granted monthly maintenance of Rs. 2500/- in favour of the Respondent. Thus, this revision has been filed by the Applicant only on the ground that he earns Rs. 3000/- and therefore, he is not able to give maintenance to the Respondent, but ignoring this fact, the Family Court has granted monthly maintenance in favour of the Respondent.
2. I have heard counsel for the parties and perused the records.
3. It was pleaded and deposed by the Respondent/Wife that the Applicant is working in a Canteen at BALCO and getting monthly salary of Rs. 8000/-,

but she has not submitted any documentary evidence in this regard before the Family Court. The Applicant/Husband deposed that he is getting monthly salary of Rs. 4000/-. This statement of the Applicant has not been rebutted during his cross-examination. Thus, it is clear that the Applicant is working in a canteen at BALCO and from there, he is getting monthly salary of Rs. 4000/-.

4. Considering the above facts and circumstances of the case, the maintenance amount of Rs. 2500/- granted by the Family Court is on higher side.
5. Accordingly, it is ordered that the Applicant shall now pay Rs. 2000/- as monthly maintenance to the Respondent from today.
6. Consequently, the revision is partly allowed to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge