

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 452 of 2015**

Pradeep Kumar Baghmar S/o Shri Sanat Kumar Baghmar, aged about 37 years Lecturer (P.), Shiksha Karmi-1, Government Higher Secondary School, Mopar, Police Station Suhela, Post Guma Tahsil Simga, District Balodabazar (C.G.) R/o Village Khaparadeeh, Post Guma, Via- Grasim Vihar Rawan, Police Station Suhela, Tahsil Simga, District Balodabazaar (C.G.).

----Applicant**Versus**

Pranjal Kumar Baghmar S/o Pradeep Kumar Baghmar, aged about 8 years minor through natural guardian mother Smt. Pooja Baghmar, aged about 30 years D/o Shri Chandrashekhar Parganiha, present R/o C/o Shri Chandrashekhar Parganiha, House No. A-7, Dubey Colony, Daldal Sivni Road, Kushabhau Thakre Ward No. 26, Post Saddu, Police Station Pandri (Mowa), Raipur, Tahsil and District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Rajkumar Pali, Advocate
For Respondent	:	Mr. Shalvik Tiwari, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25/02/2019**

1. This revision has been by the Applicant/Father of the Respondent against order dated 27/05/2015 passed by the Principal Judge, Family Court Raipur in Criminal MJC No. 379/2014, whereby the learned Family Court while allowing the application submitted under Section 127 Cr.P.C enhanced the maintenance amount from Rs. 1000/- to Rs. 5000/- in favour of the Respondent.
2. Facts of the case are that the Respondent is legitimate son of the Applicant. Initially, vide order dated 21/07/2009 passed in Criminal MJC No. 594/2008, application under Section 125 Cr.P.C was allowed and the Family Court granted monthly maintenance of Rs. 1000 in favour of the

Respondent. Thereafter, on 30/06/2014, the Respondent filed an application under Section 127 Cr.P.C for enhancement of said maintenance amount on the grounds of increase in price index as well as on account of increase in his educational expenses.

3. In his reply, the Applicant pleaded that the mother of the Respondent is also doing business by running a general store shop and therefore they are having sufficient means of income for their livelihood.
4. After recording the evidence and hearing the submission of the parties, the learned Family Court enhanced the maintenance amount from Rs. 1000 to Rs. 5000/-. Thus, this revision has been filed by the Applicant/Father.
5. Counsel for the Applicant submits that though the Applicant is working as Siksha Karmi, his parents and his second wife and their children are dependent on him, but ignoring this fact the Family Court has enhanced the maintenance amount, which is in higher side and the same should be suitable reduced.
6. Counsel for the Respondent supported the impugned judgment.
7. I have heard counsel for the parties and perused the records.
8. From the evidence available on record, it is clear that in the year 2009 an application under Section 125 Cr.P.C had been allowed. The Applicant works as Siksha Karmi and was getting monthly salary of Rs. 11500/-. In the year 2014-15, he was getting monthly salary of Rs. 25000/-. From the evidence, it is also clear that there is 22 acres of agricultural land on the name of the father of the Applicant, in which the Applicant would have

definitely got share. Thus, it cannot be presumed that the parents of the Applicant are dependent upon him.

9. Considering all the aspects of the matter and responsibilities of the Applicant and further considering the incumbent expenses of the Respondent, the enhancement made by the Family Court is just and proper and requires no interference.
10. Accordingly, the revision has no merit and the same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge