

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.506 of 2015

Smt. Kanti, aged about 32 years, wife of Bharatlal Dansena, resident of Village Nimohi, P.S. Dabhra, District Janjgir-Champa, presently resident at Kabir Chowk, Raigarh, Civil and Revenue District Raigarh, Chhattisgarh

---- Applicant

versus

Bharatlal, aged about 40 years, son of Shyamlal, occupation service, resident of Village Tamnar, near Bazar, P.S. and Tahsil Tamnar, Civil and Revenue District Raigarh, Chhattisgarh

--- Respondent

For Applicant	:	Ms. Anamika Mishra, Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

2.1.2019

1. By the impugned order dated 7.5.2015 passed in Miscellaneous Criminal Case No.F-116/2014, the Family Court, Raigarh has allowed the application under Section 125 of the Code of Criminal Procedure and granted monthly maintenance of Rs.2,000/- in favour of the Applicant/wife. The instant revision has been preferred by the wife for enhancement in the amount of monthly maintenance granted by the Family Court.
2. The Applicant/wife filed an application under Section 125 of the Code of Criminal Procedure with averments that her marriage was solemnised with the Respondent 12 years prior to filing of the application. 2 children took birth out of their wedlock. After the marriage, she was subjected to cruelty by the Respondent/husband. Due to demand of dowry, on 11.11.2013, the Respondent expelled her out of his house. She is unable to

maintain herself. The Respondent/husband is working with Jindal Power Company at Tamnar and he is getting monthly salary of Rs.15,000/- and also owns 15 acres of agricultural land and earns Rs.5,00,000/- per year from the said agricultural land. He is neglecting to maintain her. Therefore, she prayed for monthly maintenance of Rs.5,000/-. The Respondent/husband filed his reply and denied the allegations levelled against him by the Applicant/wife. It was also pleaded by him that the Applicant/wife is doing a business of selling chickens and earning Rs.2,000/- per day. Therefore, she is able to maintain herself.

3. After taking evidence of both the parties, the Family Court, vide the impugned order dated 7.5.2015, granted monthly maintenance of Rs.2,000/- in favour of the Applicant/wife.
4. I have heard Learned Counsel appearing for the Applicant and perused the record with due care.
5. The instant revision has been preferred by the wife only for enhancement in the amount of monthly maintenance. The Family Court has granted her monthly maintenance of Rs.2,000/-. It is not in dispute that the Respondent/husband is working with Jindal Power Company at Tamnar as an Air Conditioner Operator. He himself has admitted the fact that he is getting monthly salary of Rs.19,000/-. From the record, it is not established that the Applicant/wife is earning Rs.2,000/- per day by selling of chickens. Though both the children are residing with the Respondent, looking to the present price index, grant of monthly maintenance of Rs.2,000/- to the wife cannot be said to be a fair and reasonable amount of maintenance. Looking to the monthly salary of the

Respondent, his responsibilities, social status of the parties and present price index, grant of Rs.2,000/- as monthly maintenance is on much lower side and deserves to be enhanced. Therefore, the amount of monthly maintenance of Rs.2,000/- granted to the Applicant by the Family Court is enhanced to Rs.4,000/- per month payable with effect from today.

6. Consequently, the revision is allowed to the extent indicated above.
7. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge