

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 255 of 2016**

- Geeta Sahu W/o Amar Lal Sahu Aged About 32 Years R/o - Village - Baderbeli, Tehsil - Malkharoda, Civil And Revenue District - Janjgir Champa Chhattisgarh

---- Applicant**Versus**

- Amar Lal Sahu S/o Surendra Sahu by Caste Sahu, Occupation - General, Cloth, Shoes, Retail Shop, R/o Village - Amandula, Tehsil - Malkharoda, Civil And Revenue District - Janjgir Champa Chhattisgarh

---- Respondent**CRR No. 112 of 2016**

- Amarlal Sahu S/o Surendra Sahu Aged About 36 Years Caste Sahu, R/o Amandula, Tahsil Malkharoda, Civil And Revenue District Janjgir Champa, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- Smt. Geeta Sahu W/o Shri Amarlal Sahu Aged About 32 Years R/o Baderbeli, Tahsil Malkharouda, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri M.K. Baeg, Advocate in CRR No.255/2016
 For Non-applicant : Shri Sanjay Agrawal, Advocate
 For Applicant : Shri Sanjay Agrawal in CRR No. 112/2016
 For Non-applicant : Shri M.K. Baeg, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****05.08.2019**

1. Since the aforesaid criminal revisions have been filed against the same order, they are being disposed of by this common order.
2. These are the two criminal revisions filed against the order dated 6.1.2016, passed by the Judge, Link Family Court, Sakti, District Janjgir Champa (CG) in Misc. Cr. Case No.17/2015, whereby, the

application filed by the applicant(wife) in Cr. Revision No. 255/2016 has been allowed granting her maintenance of Rs.2500/- per month.

3. The applicant(wife) has filed CRR No.255/2016 against the impugned order for enhancement of the amount of monthly maintenance to Rs.10,000/- in place of Rs.2,500/-.
4. Learned counsel for the applicant(wife) submits that the learned Family Court has erred in law in passing the order of maintenance of Rs.2500/- per month, which is very low. The Family Court ought to have seen the status of the parties. The non-applicant (husband) is owner of a General Store and having agricultural land, but the learned Family Court has completely lost sight of this fact that there is basic requirement of grant of maintenance of Rs.10,000/-. He submits that the applicant(wife) has no source of income, therefore, the maintenance amount may be enhanced from Rs.2,500/- to Rs.10,000/- in the interest of justice.
5. The applicant (husband) in CRR No. 112/2016 has filed this petition against the impugned order for setting aside the order of maintenance of Rs.2,500/- granted in favour of the non-applicant (wife).
6. Learned counsel for the applicant(husband) submits that he is assailing the impugned order on the ground that the non-applicant (wife) has left the matrimonial house in the month of June 2014 and living at her parental house on her own will. When she left the house at that time she theft Rs.20,000/- and other gold ornaments

from her matrimonial house, for which a report was lodged by the husband and after that the wife has filed application under Section 125 Cr.P.C. and also lodged a report under Section 498-A of the IPC against the husband. It is also submitted that the non-applicant (wife) wanted to live with her brother-in-law. The applicant (husband) is having income of only Rs.2,700/- to Rs.2,800/- per month and he has to maintain the medical expenses of his old age parents who are suffering from multiple diseases, therefore, the impugned order is liable to be set aside.

7. I have heard learned counsel for the parties and perused the impugned order and the material on record.
8. Before the Family Court the applicant/wife has examined 4 witnesses including herself and husband has examined 3 witnesses. It is clear from the evidence of witnesses that the husband/non-applicant and his family members have tortured the wife/applicant in the name of child saying that she is sterile and cannot give birth to a child. The Family Court on appreciation of evidence has held in para 27, 28 and 29 that the wife has sufficient reason to live separately from the non-applicant/husband. The husband has a Shop which is proved from the photographs Ex. P14 and P15 and Ex.P1 to P10 proved that the husband's parents have agricultural land, thus, he is capable of paying maintenance to the wife and granted maintenance of Rs.2,500/- in favour of the applicant/wife.

9. On perusal of the evidence, it is apparent that the Family Court has rightly recorded the finding of grant of maintenance to the applicant/wife and the same is not liable to be interfered with. Accordingly, the revision filed by the husband vide CRR No.112/2016 is dismissed.
10. So far as maintenance of Rs.2,500/- is concerned, it is on lower side and insufficient looking to the present price index to maintain a decent standard of living and it deserves to be enhanced. Accordingly, the same is modified and enhanced to Rs.5,000/- per month. The applicant/wife shall be entitled for maintenance of Rs.5,000/- per month in place of Rs.2,500/- from the date of passing of this order. The petition filed by the applicant/wife vide CRR No.255/2016 is partly allowed.
11. With the aforesaid modification, both the revision petitions stand disposed of.

Sd/

(Rajani Dubey)
JUDGE