

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 545 of 2017**

Bhanu Prasad Bandhe S/o Pundas Bandhe, aged about 32 years R/o Village Jotpur, Chowki, Dhiphi, P.S. Lormi, Distt. Bilaspur (C.G.).

----Applicant

Versus

Vidhya Bandhe W/o Bhanu Prasad Bandhe, aged about 27 years R/o Village Jotpur Chowki, Chiphi, P.S. Lormi, Distt. Bilaspur, Present Address Jarhabhata, P.S. Civil Line, Bilaspur, Distt. Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mrs. Indira Tripathi, Advocate
For Respondents	:	Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

20/06/2019

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 12/05/2017 passed in Misc. Criminal Case No. 615/2015 by the Family Court, Bilaspur, whereby the Family Court has allowed the application filed under Section 127 of the Cr.P.C and enhanced the maintenance amount from Rs. 1500/- to Rs. 7000/- in favour of the Respondent/Wife.
3. Initially vide order dated 12/03/2012, an application was filed under Section 125 of the Cr.P.C. by the Respondent/Wife, which was allowed by the Family Court and the Applicant was directed to pay monthly maintenance of Rs. 1500/- to the Respondent. Thereafter, an application under Section 127 of the Cr.P.C was filed by the Respondent/Wife for enhancement of the said maintenance amount on the grounds that since there has been hike in the salary of the Applicant and looking to the

present price index, the maintenance amount should be enhanced. She prayed for enhancement of monthly maintenance up to Rs. 6,000/-.

4. The Applicant herein opposed the averments made by the Respondent/Wife and pleaded that his parents, brother and sister are dependents upon him. He also has taken his house on rent and after deducting all the expenditure, he is not able to save any money, therefore, he prayed that the monthly maintenance should not be enhanced.
5. After recording the evidence of both the parties and hearing their submission, the learned Family Court vide impugned order dated 12/05/2017 has enhanced the maintenance amount as mentioned in paragraph one of this order. Thus, this revision.
6. I have heard counsel for the parties and perused the record.
7. There is no dispute on the points that the Applicant is working as Siksha Karmi. From perusal of the information given by the Block Officer, Lormi (Ex.P-5) at the relevant time, the Applicant was getting monthly salary of Rs. 21156/- after all deduction. Thus, it is clear that at the relevant time, the Applicant was getting monthly salary of Rs. 21156/-. from the document Kisthbandhi (Ex.P-3) and Khasara (Ex.P-4), it is also clear that some agricultural land is also owned by the Applicant, thus, he has sufficient means to maintain the Respondent/Wife.
8. From the evidence available on record, it is clear that some responsibilities are also upon the Applicant, therefore, considering all the aspects, the monthly maintenance amount enhanced by the Family

Court is on higher side. Therefore, it is ordered that the Applicant shall now pay Rs. 5000/- monthly maintenance to the Respondent/Wife from today.

9. Accordingly, the revision is partly allowed to the extent indicated above.

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

Rahul