

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 331 of 2016**

Smt. Tulsi Bai Sahu W/o Shatruhan Lal Sahu, aged about 32 years presently residing C/o Father Dwarika Prasad Sahu, Village Bhadera, Nawagaon, Post Office Bade Temari, Tahsil Ghumka District Rajnandgaon (C.G.).

---- Applicant**Versus**

Shatruhan Lal Sahu s/o Sakharam Sahu, aged about 40 years R/o Village Jangdesar PO Kanhapuri, Tahsil & District Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. Roop Naik, Advocate
For Respondent	:	Mr. Devasish Vishwa, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

01/02/2019

1. This revision has been preferred against order dated 03/03/2016 passed by the Family Court, Raipur in Miscellaneous Criminal Case No. 138/2013, whereby the learned Family Court while allowing the application under Section 125 Cr.P.C submitted by the Applicant granted monthly maintenance of Rs. 1200/- in favour of the Applicant/wife. Thus, this revision has been preferred by the wife for enhancement of monthly maintenance.
2. It was pleaded by the Applicant/wife that her marriage was solemnized in the year 2004. Out of their wedlock, two children were borne and at present both are residing with the Respondent. It was further pleaded that after marriage, the Respondent used to tortured her regarding her character and used to beat her. Due to ill treatment of Respondent,

the Applicant had to leave the house of the Respondent. In between this period, she tried to settle the matter in social meeting and ultimately in the year 2012 she finally left the house of the Respondent and since then she is living in her parental house. It was pleaded by her that she is unable to maintain herself. The Respondent is having 22 acres of land and also working as TV mechanic. There is a medical shop also in his joint family. The Respondent in his reply denied all the averments made by the Applicant. It was pleaded by him that the Applicant is residing separately without any reasonable cause, thereafter the Respondent filed an application for grant of divorce and decree of divorce has been granted in his favour.

3. After recording all the evidence and hearing both the parties, the learned Family Court granted monthly maintenance of Rs. 1200/- in favour of the Applicant.
4. Counsel for the Applicant/wife submits that there is 22 acres of double crop agriculture land in the family of the Respondent. The Applicant is working as TV Mechanic and he has sufficient source of income, but the learned Family Court, without appreciating all these facts, only awarded Rs. 1200/- monthly maintenance in her favour, which should be suitably enhanced.
5. I have heard both the counsel for the parties and perused the record.
6. There is nothing on record which shows that the Applicant/wife is working anywhere or she has any means to maintain herself. In his court statement, the Respondent admitted the fact that his father was

a teacher and has retired presently. Thus, he is not dependent on him. He also admitted the fact that he is working as TV Mechanic. From the *Kisht Bandi Khatoni* annexed with the record, it is clear that the Respondent owned 1.670 hectare of agricultural land. From the documents Ex.P.-3, Ex.P-2 and Ex.P-4, it is established that father of the Respondent owned 1.179 hectare of agricultural land, mother of Applicant owned 0.586 hectares of agricultural land and brother of respondent owned 2.969 hectares of agricultural land, respectively. The Respondent in para 16 of his Court statement also admitted the fact that there was no partition took place between his family members and he along with his brother using ancestral property jointly. From the above evidence which is available on record, it is clear that there is sufficient source of income available with the Respondent to maintain the Applicant. Therefore, looking to the above facts, Rs. 1200/- as monthly maintenance granted by the Family Court is on lower side and the same should be enhanced.

7. Considering the facts and circumstances of the case, further considering the social and financial status of the Respondent, it is ordered that the Respondent shall now pay Rs. 2500/- as monthly maintenance instead of Rs. 1200/- from today.
8. This revision is allowed in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge