

HIGH COURT OF CHHATTISGARH, BILASPUR
CRR No. 332 of 2016

1. Smt. Gayamati W/o Dilharan Singh Markam, aged about 30 years.
2. Kumari Neelam D/o Dilharan Singh, aged about 12 years, Occupation – student.
3. Kumari Reenu D/o Dilharan Singh Markam, aged about 9 years, Occupation – student.
4. Kumari Chhoti D/o Dilharan Singh Markam, aged about 6 years, Occupation – student.

Applicant Nos. 2 to 4 are minor represented through mother Gayamati W/o Dilharan

All resident of village Sawanpur, at present residing at village Muchhel, Police Station Chilphi, Police Station Lormi, District Mungli (C.G.)

---- Applicants

Versus

- Dilharan Singh Markam S/o Rewaram Markam, aged about 33 years, occupation Service Constable, Police Station – Kukdur, Tahsil- Pandariya, District Kabirdham (C.G.)

---- Respondent

For Applicants	:	Mr. Abhishek Sharma, Adv.
For Respondent	:	Mr. F.S. Khare, Adv.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

15.07.2019

1. The applicant has preferred this revision against the order dated 07.01.2016 passed by learned Family Court, Kabirdham (Kavardha) (C.G.) in Miscellaneous Criminal Case No. 132/2015, which is under challenged in this revision petition. The applicant/wife and children have been awarded total Rs. 3,400/- per month for maintenance (Rs. 1,000/- to respondent No. 1 and RS. 800/- each to respondent Nos. 2 to 4) whereas they had claimed to Rs. 8,000/- per month from the respondent/husband.

2. This is not in dispute that applicant No. 1 and respondent are legally married as husband and wife and applicants 2 to 4 are their children. Respondent is serving as Constable in police department, and he has also some agricultural land. Both the parties live separately.

3. Brief facts of the case are that the applicant filed an application under Section 125 of Cr.P.C. for grant of maintenance amount of Rs. 8000/- per month (Rs. 5,000/- to applicant No.1 and Rs. 3,000/- to respondent Nos. 2 to 4) before the Family Court. Respondent is working as constable and gets salary of Rs. 20,067/- per month and also has ten acres of agricultural land. The applicants pleaded that after the birth of applicant No. 4, respondent stopped paying daily expenses to applicant No. 1(wife) and always ill-treated her. Learned Family Court partly allowed the applicant's application and directed the respondent to pay maintenance amount of Rs. 1,000/- to applicant No.-1 and Rs. 800/- each, to applicant Nos. 2 to 4. Hence, this revision.

4. Learned counsel for the applicant submits that the impugned order passed by learned Family court is bad in law and the trial Court committed gross error is not appreciating the evidence led by Gayamati (AW-1), Ramcharan (AW-2) and Pawra Bai (AW-3). He further submits that learned Family Court failed to appreciate the salary slip i.e. Exhibit A/2 and agricultural income of respondent. Learned Family Court, in para 15 of the impugned order, itself, admits that respondent has not filed any document or bank slip regarding contention of respondent that he is regularly sending money to his uncle for maintenance amount for their wife and children. He further submits that applicant No. 1 is an illiterate lady who has three children with her and the maintenance amount so awarded by Family Court, is so meager. Therefore, order dated 07.01.2016 is liable to be modified and the maintenance amount may be enhanced suitably.

5. Learned counsel for the respondent supported the impugned order and submitted that the maintenance amount awarded by the

learned Family Court is just and proper.

6. Heard learned counsel for the parties and perused the material on record including the impugned order.

7. It is not disputed before the Family Court that respondent is a Government servant and he is working as a police constable. Ex. A/2 proved that in 2015 respondent's net salary was Rs. 20,067/- per month and it is admitted by the respondent in his cross examination, in para 12, that he has three acres agricultural land. Thus, considering the aforesaid factual aspect of the matter, and further considering the present inflation in commodity, maintenance amount granted by learned Family Court is so meager.

8. Considering the totality of the facts and evidence adduced by the parties, this court is of the view that applicants are entitled for enhancement of maintenance amount.

9. In the result, the impugned order of the Family court is modified and it is directed that the respondent/husband shall pay Rs 8,000/- (Rs. 5,000/- to applicant No.-1 & Rs. 1,000/- each to the applicant Nos. 2 to 4) per month towards maintenance of the applicants, with effect from today. Respondent/husband shall also pay Rs. 2,000/- to the applicants as cost of this litigation.

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

Sd/-
(Rajani Dubey)
JUDGE

Vijay Sahu