

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 921 of 2014**

Jodh Ram S/o Janak Chadrakar, aged about 32 years R/o Bano (Near Well), Police Station Pipariya, Tahsil Kawardha, Post Gudha, District Kabirdham (C.G.).

---- Applicant**Versus**

Sati Kumar S/o Jodh Ram, aged about 10 years minor through legal guardian mother Santoshi Bai D/o Kejau Ram, aged about 29 years R/o Village Bano, Police Station Pipariya, Tahsil Kawardha, Post Gudha, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Basant Dewangan, Advocate
For Respondent	:	Mr. Rajkumar Pali, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/02/2019**

1. This revision has been preferred by the Applicant/Husband against order dated 17/06/2014 passed in Miscellaneous Criminal Case No. 588/2013 by the Family Court, Kawardha, whereby the Family Court while allowing the application under Section 127 of the Cr.P.C enhanced the maintenance amount from Rs. 500/- to Rs. 1500/- in favour of the Respondent/Son.
2. Facts of the case are that initially an application under Section 125 Cr.P.C had been filed by the Respondent/Son. Vide order dated 02/12/2003, the learned Judicial Magistrate First Class, Kawardha allowed the application and granted monthly maintenance of Rs. 2000/- in favour of the Respondent/Son, which was subsequently

affirmed by the Additional Sessions Judge (FTC) vide order dated 09/07/2004. Against the said order, the Applicant/Husband preferred a Miscellaneous Criminal Case No. 2020/2004 before this Court and vide order dated 21/07/2009, this Court was pleased to direct the Applicant to pay Rs. 500/- per month to the Respondent/Son. Thereafter, the application under Section 127 Cr.P.C has been filed by the Respondent/Son in the year 2014 on the ground that at present, he is studying in Class-IV and his expenses has increased. The income of the Applicant has also increased. However, the Applicant opposes the said prayer made by the Respondent.

3. After taking into consideration the submissions of both the parties, the Family Court enhanced the maintenance amount from Rs. 500/- to Rs. 1500/- on the ground of increase in inflation. Thus, this revision has been preferred.
4. I have heard counsel for the parties and perused the record.
5. From the evidence adduced by the parties, it is clear that 3 other children are also dependent upon the Applicant. All of them are studying in school. Though, the Applicant has admitted the fact that he is doing agricultural work, there is nothing on record which shows that the Applicant has owned much land. In these circumstances, only on the basis of increase in the price index, three times maintenance enhanced by the Family Court is on high side.
6. Looking to the earning capacity of the Applicant and other responsibility, it is ordered that the Applicant shall now pay Rs. 1000/-

to the Respondent from the date of order passed by the Family Court.

7. Accordingly, the revision is disposed of with the above terms.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul