

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.901 of 2015**

1. Smt. Savitri Pandit, wife of Prabhu Pandit, aged about 29 years,
 2. Ku. Manisha, aged about 10 years, daughter of Prabhu Pandit,
 3. Nitesh Kumar, aged about 8 years, son of Prabhu Pandit,
- Applicants No.2 and 3 are minor, through legal guardian mother Smt. Savitri Pandit,

All are residents of C/o Rajkumar Pandit, Beside Street of Satish Kirana Stores, Near Old Tank, Gogaon, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Applicants

versus

Prabhu Pandit, son of Sudama Pandit, aged about 33 years, resident of Parmeshwar Nagar, Birgaon, Police Station Urla, District Raipur, Chhattisgarh

--- Respondent

For Applicants	:	Shri Vishnu Muni, Advocate
For Respondent	:	Shri A.L. Singroul, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

9.1.2019

1. Vide the impugned order dated 11.9.2015 passed in M.J.C. No.227 of 2013, the Family Court, Raipur allowed the application under Section 125 Cr.P.C. moved by the Applicants and granted each of them monthly maintenance of Rs.1,000/-, total Rs.3,000/-.
2. The instant revision has been preferred by the Applicants for enhancement in the amount of maintenance on the ground that Applicants No.2 and 3 are school going girl and boy, respectively and Applicant No.1 has no source of income. The Respondent

earns Rs.18,000/- per month. Apart from this income, he also owns an agricultural land and a house. Therefore, the maintenance granted by the Family Court is on lower side and deserves to be enhanced suitably.

3. I have heard Learned Counsel appearing for the parties and perused the record with due care.
4. Before the Family Court, Applicant No.1 examined herself and her mother Lilavati. The Respondent examined himself and one Rajendra. Applicant No.1, in her statement before the Court, has categorically stated that she is not engaged in any work and earns nothing. Though as contended by the Respondent, Applicant No.1 runs a beauti-parlour, Applicant No.1 has categorically denied the suggestion in this regard. No document or any other evidence is available on record to show that Applicant No.1 runs a beauti-parlour. Apart from this, there is no dispute that Applicants No.2 and 3 are school going children. The Respondent has admitted the fact that he works as a machine turner with one Sharda Rolling Mill at Siltara. As stated by Applicant No.1, for this work, the Respondent gets monthly salary of Rs.18,000/-. The Respondent denied this fact and has stated that he gets salary of Rs.7,000/- per month only, but, in his support, he has not produced any pay-slip in this regard. No evidence is available on record to show that the Respondent owns any house or any agricultural land. From the evidence adduced by the parties, the only fact is established that the Respondent works as a machine turner with one Sharda Rolling Mill at Siltara and gets a monthly salary from that work. What monthly salary does he get from that work is not established

by any documentary evidence. But, looking to the work of the Respondent, it can be presumed that he would be getting at least Rs.10,000/- per month as salary. There is also no evidence on record that the Respondent has any other responsibility. Therefore, the grant of maintenance to the Applicants is on lower side.

5. In the aforesaid premises, the monthly maintenance of Applicant No.1 is enhanced from Rs.1,000/- to Rs.2,000/-, that of Applicant No.2 is enhanced from Rs.1,000/- to Rs.1,500/- and that of Applicant No.3 is enhanced from Rs.1,000/- to Rs.1,500/-. The total enhancement is made from Rs.3,000/- to Rs.5,000/-. This enhancement in the amount of monthly maintenance in favour of the Applicants shall be effective from today.
6. Consequently, the instant revision is allowed to the extent indicated above.
7. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge