

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1130 of 2018**

- Set Bai W/o Horilal Aged About 25 Years R/o Village Lukapara Presently R/o At Padkipali , Post Bhawarpur, Outpost Bhawarpur, Police Station And Tahsil Basna District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- Horilal S/o Bhimsen Aged About 30 Years R/o Village Lukapar,post Police Station And Tahsil Saraipali District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent	: None present.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****23/07/2019**

Being aggrieved by the order dated 14.09.18 passed by the Family Court, Mahasamund in M. Cr. C.No. 78/2017 whereby the application filed by the applicant under Section 125 Cr.P.C. has been allowed in part. The applicant has filed this application for enhancement of the maintenance amount which has been awarded in her favour.

2. Before the Family Court, applicant (wife) filed application under Section 125 Cr.P.C. for maintenance from the respondent. It was pleaded in the application that the marriage of the applicant and non-

applicant was solemnized at village Padkipali and after marriage the husband/non-applicant harassed her physically and mentally for demand of dowry. Non-applicant left the applicant in her maternal house and now the applicant is unable to maintain herself and the non-applicant has sufficient ground for residing separately and as she demanded Rs. 5,000/- as maintenance from the respondent. In his reply, respondent denied all the allegations.

3. Learned Family Court, after adducing evidence of both the parties, allowed the application of the applicant under Section 125 Cr.P.C. and awarded maintenance for a sum of Rs. 700/- in her favour which is a very meager amount looking to the increasing price of essential commodities and the present cost of living.

4. None appeared for the non-applicant though served.

5. It is not disputed before the Family Court that the applicant is legally wedded wife of non-applicant and at present she is residing separately from her husband. Learned Family court has found sufficient ground for the applicant's living separately and partly allowed the application by awarding maintenance of Rs. 700/- as interim maintenance which is on the lower side and needs to be enhanced. The respondent has stated in his evidence that he is serving as peon in primary school and earning salary of Rs. 1700/- per month. Applicant has not filed any pay slip or any document regarding the agricultural income and salary of the non-applicant which comes to Rs. 9,000/- per month.

6. Thus, taking into consideration the above facts of the case,

amount of Rs. 700/- is very meager amount looking to the present cost of living and therefore the application is allowed and Rs. 1,000/- is ordered in favour of the applicant.

Accordingly, the revision is allowed.

Sd/-

(Rajani Dubey)
Judge