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HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1397 of 2018**

- Smt. Ahilya Bai W/o Satpal Singh, Aged about 40 years, Resident of infront of Gayabai School, Gaya Nagar, Tahsil- Durg, District Durg, Chhattisgarh

---- Applicant**Versus**

- Satpal Singh S/o Palturam, Aged about 50 years, Resident of Village Amasara, Post Akeda, District Narayanpur, Bastar, Chhattisgarh.

----Respondent

For Applicant	: Shri Jitendra Gupta, Advocate
For Respondent	: Shri Praveen Dhurandhar, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****31.7.2019**

1. Heard on admission.
2. This revision is directed against the order dated 16.10.2018, passed by the Third Additional Principal Judge, Family Court, Durg (CG) in Misc. Cr. Case No. 685/2017, whereby, the Judge Family Court has partly allowed the application filed by the applicant under Section 127 Cr.P.C. and enhanced maintenance amount from Rs.3000/- to Rs.3500/- per month.
3. Facts of the case are that the applicant was married to the respondent on 11.5.2011 as per Hindu customs and rituals. She filed an application before the Family Court under Section 127 Cr.P.C. for enhancement of the amount of maintenance. The applicant was awarded maintenance of Rs.3000/- per month vide

order dated 28.5.2015 and after 2 years, the applicant again filed an application under Section 127 Cr.P.C. for enhancement of the maintenance amount from Rs. 3000/- to Rs.10000/- per month. The trial court partly allowed the application and enhanced the amount of maintenance from Rs.3000/- to Rs.3500/- per month. Hence, this revision.

4. Learned counsel for the applicant submits that the trial Court has committed gross error of law in denying the proper relief claimed under Section 127 Cr.P.C. The respondent is getting salary of Rs.60000/- per month. He placed reliance in the matter of **Dr. Kulbhushan Kumar Vs. Raj Kumari and Anr. (1970) 3 SCC 129**, wherein the Hon'ble Apex Court has held that 25% of the husband's net salary would be just and proper to be awarded as maintenance to the wife, therefore, the impugned order passed is without proper application of mind and without any justification. He submits that the trial Court has failed to see that the respondent is receiving handsome amount from his service, therefore, the impugned order may be set aside and amount of maintenance be enhanced.
5. On the other hand, learned counsel for the respondent supported the impugned order and submits that the order passed by the trial court is just and proper as previously Rs. 2000/- per month was awarded to the applicant and thereafter, it was enhanced to Rs.3000/- and now again, vide the impugned order, it has been enhanced to Rs.3500/- per month.

6. I have heard learned counsel for the parties and perused the impugned order.
7. This revision has been filed against the order of enhancement of the amount of maintenance. The respondent has admitted in cross examination that he is a govt. servant, working as Teacher and 2 years before he was getting salary of Rs.30000/- and now he is getting salary of Rs.35000/- to 40000/- after deduction. The applicant has filed the salary certificate of the respondent (husband), but she did not file this document before the trial Court. The respondent himself has admitted that his salary is Rs.35000/- to Rs.40000/- and he is a govt. Teacher. For deciding maintenance, the trial Court has to see prima facie the relation between the parties and income of the respondent. It is not disputed that the applicant is legally wedded wife of the respondent. The Family Court has only enhanced the amount of maintenance Rs.500/- i.e. Rs.3500/- from Rs.3000/-. Therefore, looking to the increased regular income of the respondent (husband), this Court is of the opinion that the enhancement of maintenance from Rs.3000/- to Rs.3500/- is on lower side and is insufficient. The respondent is a Teacher in govt. School and as such he enjoys high level of status and position in the society and the applicant being his wife is also entitled to maintain a reasonable standard of living commensurate to the status of being wife of the Teacher. Therefore, the amount of maintenance enhanced by the Family Court vide the impugned order dated 16.10.2018 deserves to be modified and enhanced. The same is accordingly modified and enhanced to Rs.10000/-.

The applicant-wife shall be entitled for an amount of Rs.10000/- per month in place of Rs.3500/- from the date of passing of this order.

8. The revision, thus, is allowed.

Sd/

(Rajani Dubey)

JUDGE

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