

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 542 of 2018

Paleswari Bharadwaj, W/o Arun Bharadwaj, Aged About 23 Years,
Present Address- Korin Bhata, Rajnandgaon, Tahsil and District-
Rajnandgaon (C.G.)

--- Applicant

Versus

Arun Kumar Bharadwaj, S/o Sadhuram, Aged About 26 Years, R/o
Village Banskilori, P.S. Palari, District- Raipur, Tahsil and District-
Raipur (C.G.), Official Address- No. 1150, Police Line, M.T. Branch,
District- Rajnandgaon (C.G.)

--- Respondent

For Applicant : Mr. Shikhar Sharma, Advocate.

For Respondent : Mr. Abhishek Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17/11/2020

1. This revision petition has been brought being aggrieved by the order dated 03.04.2018, passed by learned Judge, Family Court, Rajnandgaon, District- Rajnandgaon (C.G.) in Miscellaneous Criminal Case No. 167/2014, by which the application filed by the applicant for grant of interim maintenance under Section 125 of Cr.P.C. has been partly allowed.
2. The applicant has filed this revision petition praying for maintenance of Rs. 8000/- from the respondent on the ground that she is wife of the respondent, who has deserted her and not taking care of her maintenance, whereas, the respondent is an able bodied person having income from government service.

The application was contested by the respondent side and after completion of enquiry, the impugned order was passed, in which, the applicant was granted maintenance of Rs. 3000/- per month.

3. Learned counsel for the applicant submits that the learned Family Court has made observation in paragraph 13 of the impugned order, that net salary of the respondent is Rs. 30,039/- per month even then, the order of maintenance has been made on very much lower side. The applicant has suffered a lot of cruelty from the respondent because of which, she has suffered deafness of one of her ears, therefore, she is entitled for enhancement of maintenance amount, as she prayed for.
4. Learned counsel for the respondent submits that although the respondent has not denied about the income, which is mentioned in the impugned order, but he is responsible for his old parents also, who not only need maintenance, but there is also need to take care of their medical requirements. Therefore, any enhancement that may be made, if any, will cause heavy burden upon the respondent. Hence, it is prayed that this revision petition may be dismissed.
5. I have heard learned counsel for the parties and perused the documents placed on record.
6. Considered on the submissions made by the counsel from both the sides. As there is no denial of the net salary of Rs. 30,039/- of the respondent, in the year 2018, this order was passed.

Subsequent to which, the respondent may get increment and may have also received further enhancement in other allowances, which are permitted by the Central and State Government from time to time. Therefore, I am of this view that despite the burden that is upon the respondent regarding maintenance of his old parents, the applicant was entitled for better maintenance than what has been ordered by the learned Family Court.

7. In view of the above, this revision petition is allowed and disposed of. The maintenance amount of Rs. 3000/- per month as ordered by the learned Family Court in favour of the applicant, is enhanced to Rs. 6000/- per month, which shall be payable from the date of order passed by the learned Family Court.

Sd/-
(Rajendra Chandra Singh Samant)
Judge