

HIGH COURT OF CHHATTISGARH AT BILASPUR**Cr.M.P. No. 1449 of 2018**

Prem S/o Johan Satnami, Aged about 65 years, R/o Sakri, Police Station Kharora, District Raipur, Chhattisgarh.

---Petitioner/Non-applicant

Versus

Smt. Chandrika Bai W/o Prem Satnami, Aged about 50 years, R/o Purani Basti, Baloda Bazar, District Baloda Bazar, Chhattisgarh.

--- Respondent/Applicant

For Petitioner :- Mr. Pushpendra Kumar Patel, Advocate
For Respondent :- Mr. Anil Gulati, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

28/01/2020

1. This petition under Section 482 of the Cr.P.C. is directed against the impugned order dated 05/06/2018 whereby learned revisional Court has affirmed the order dated 15/02/2017 passed by learned trial Magistrate by which respondent's application under Section 127 of the Cr.P.C. has been allowed and the maintenance amount has been enhanced from ₹ 150/- to ₹ 2,000/-.
2. Mr. Pushpendra Kumar Patel, learned counsel for the petitioner would submit that both the Courts below are absolutely unjustified in enhancing the amount

of maintenance from ₹ 150/- to ₹ 2,000/- under Section 127 of the Cr.P.C. as the said maintenance amount is on the higher side and he is unable to pay the said amount to his wife/respondent, therefore, the impugned order deserves to be set aside.

3. I have heard learned counsel for the petitioner at length.

4. From a careful perusal of the record, it appears that learned trial Magistrate has taken cognizance of the fact that the respondent herein was granted the amount of ₹ 150/- per month as maintenance vide order dated 06/07/1993 which has now been enhanced to the tune of ₹ 2,000/- after taking into account the cost of living, price index, medical expenses, clothing, etc. by the impugned order which is neither perverse nor contrary to the record as the maintenance amount of ₹ 2,000/- cannot be said to be on the higher side or shockingly high.

5. Accordingly, the present petition, being devoid of merits, deserves to be and is accordingly dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge