

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 875 of 2019

- Hulasram S/o Shri Awadhram Sahu, Aged About 42 Years, R/o Virsinghpur, Pali Kher Dafai (behind Kher Mata Mandir), Ward No.-14, Qtr. No.124, Police Station Virsinghpur, Pali, District Umariya (M.P.), District : Umariya, Madhya Pradesh

---- Applicant

Versus

- Ku. Tanya Sahu D/o Hulasram, Aged About 17 Years, Caste Sahu (Minor) Through Natural Guardian Mother Smt. Saraswati Sahu W/o Hulasram Sahu, R/o Kera, Police Station and Tahsil Nawagarh, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant/Respondent

For Applicant – Shri Sushobhit Singh, Advocate.

For Respondent/Non-applicant – Shri Rahil Arun Kochar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 07-06-2019 by which the application filed by the respondent under Section 127 of the Cr.P.C. has been allowed and the maintenance amount has been enhanced from Rs.4000/- to Rs.7000/-.
2. It is submitted that the order passed by the Court below is erroneous and without considering the burden and other responsibilities of the applicant. The applicant has received appointment as Mining Sardar in SECL as compassionate appointment for the reason that his father Awadh Ram Sahu had to be relieved from the job because of his physical illness. The father of the applicant and the applicant have entered into an agreement, according to which the applicant has responsibility to pay half of the amount of his salary to his father and there is a condition in the agreement that he will support his brothers and also spent on pilgrimage and other religious activities of his parents. Further, in the agreement itself the applicant has been deprived of his

share in the ancestral property. Apart from this, the applicant has married again and he is having his wife and three children. Therefore, looking to the burden upon him, the maintenance amount enhanced is excessive and beyond his capacity. Hence, it is prayed that this petition be allowed and the impugned order be interfered with.

3. Learned counsel for the respondent opposes the revision petition and the submission made in this respect. It is submitted that the applicant is having salaried income of Rs.44,709/- per month and the respondent is his minor daughter who has all the entitlement to be maintained by the applicant. The agreement which has been referred to in this revision has been elaborately considered by learned Family Court and subsequent to that the order has been passed. Therefore, there is no need of any interference.

4. Heard learned counsel for the parties and perused the documents.

5. After perusing the impugned order and also copy of the agreement that has been filed and the other documents regarding salaried income of the applicant, it is found that learned Family Court has not committed any error in making order of enhancement of the maintenance in favour of the respondent which appears to be within the capacity of the applicant. Therefore, the impugned order needs no interference. Accordingly, the revision petition is dismissed at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge