

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 34 of 2021

1. Smt. Sindhu Sharma, W/o. Shri Sheshnarayan Sharma, Aged About 46 Years, R/o. Through Shri Tushar Shukla, Bramhanpara, Ward No. 37, Rajnandgaon, District : Rajnandgaon, Chhattisgarh.
2. Shreyansh Sharma, S/o Shri Sheshnarayan Sharma, Aged About 15 Years Through Natural Guardian Mother Smt. Sindhu Sharma W/o Shri Sheshnarayan Sharma R/o. Through Shri Tushar Shukla, Bramhanpara, Ward No. 37, Rajnandgaon, District : Rajnandgaon, Chhattisgarh.
3. Ku. Subhangi @ Megha Sharma, D/o Shri Sheshnarayan Sharma, Aged About 19 Years, R/o. Through Shri Tushar Shukla, Bramhanpara, Ward No. 37, Rajnandgaon, District : Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

- Sheshnarayan Sharma, S/o. Late Shri Manharan Lal, Occupation- Senior Technician Anubhag Masheen Shop Vibhag, Power Plant Cb 5-1, Bhilai Steel Plant, Bhilai, Distt.- Durg (Chhattisgarh) Through- D.G. Incharge, P-P-1, P-B 05-1, Bhilai Steel Plant, Bhilai, R/o Q.No. 05 A, Street No. 09, Sector-4, Bhilai, District : Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate.
For Respondent	:	Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/03/2021

1. Both the parties are represented and the counsel for both sides agreed to argue the matter finally.
2. Heard.
3. This revision petition has been brought by the applicants seeking for enhancement of maintenance granted to them by the learned Judge, Family Court, Rajnandgaon vide order dated 05.03.2020 passed in Cr.M.J.C. No.177/2019.
4. It is submitted by the counsel for applicants that applicant No.1 is wife

and applicant No.2 & 3 are children of the respondent, who is refusing to maintain the applicants. Proceedings on the application under Section 125 of CrPC are pending. Although the prayer for interim maintenance has been allowed by the Family Court, but the maintenance amount is very much on the lower side and not sufficient to meet the expenses of daily needs of the applicants. Respondent is working as a Senior Technician in Bhilai Steel Plant, Bhilai and getting salary of Rs.61,599/- per month. He is also having income from agriculture lands. Therefore, the interim maintenance should have been granted befitting to the status, the applicants had earlier enjoyed. Prayer has been made for enhancement for the interim maintenance.

5. Learned counsel for respondent submits that the learned Family Court has not committed any error in passing the impugned order. Respondent is bearing all the educational expenses of applicant No.2 & 3. Apart from that, the respondent is also making payment of Rs.5,000/- per month to the applicants separately on the ground of settlement between the parties at Mahila Thana, Durg. Therefore, if any enhancement is made, the respondent shall be over burdened with the same and that shall be beyond his capacity.
6. Considered on the submissions. Even if the statement of the respondent is taken as it is on this point, that he is bearing educational expenses of applicants No.2 & 3, it is clear that he is not providing for their maintenance and upkeep according to their daily needs, apart from the order of maintenance that has been passed by the learned Family Court. Statement of respondent regarding payment of Rs.5,000/- per month separately on the basis of compromise arrived at in Mahila Thana, Durg is only a statement which has been denied by the applicant side, apart from that there is no order of any competent Court or authority for making such payment to the applicants by the respondents, hence, such statement cannot be accepted on its face value, which may need proof.
7. Grant of maintenance of Rs.2,000/- per month to each of the applicants appears to be too much on lower side, which is not sufficient to meet the basic needs of the applicant side according to price index of the market at present. Therefore, I am of this view that the interim

maintenance order is required to be suitably enhanced. The respondent is capable for making such payment as he is getting salary about Rs.60,000/- per month, therefore, this revision petition is allowed at the motion stage. It is ordered that the respondent shall make payment of Rs.5,000/- to each of the applicants which shall be payable from the date of the impugned order.

8. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge