

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 614 of 2021

1. Sadanand Gupta S/o Late Tilak Say, Aged About 41 Years
Occupation Advocate-Cum-Notary (Tahsil Court Batoli), R/o
Ghutra Para, Post Bilaspur, Police Station And Tahsil Batoli,
District Surajpur (C.G.).

---- Applicant

Versus

1. Kumari Kashish Gupta D/o Sadanand Gupta, Aged About 11
Years (Minor),
2. Kumari Vidhi Gupta D/o Sadanand Gupta, Aged About 6 Years
(Minor),

Through Natural Guardian Her Mother Smt. Rooplata Gutpa W/o
Sadanand Gupta, Aged About 35 Years,

Both are R/o Purani Basti Sitapur, Police Station And Tahsil
Sitapur, District Surguja (C.G.).

---- Respondents

For Appellant	: Mr. Sanjeev Verma, Advocate.
For Respondents	: Mr. Aditya Khare, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08/11/2021

- 1) Heard on admission.
- 2) With the consent of the parties, the matter is heard finally.
- 3) The applicant has filed this revision petition under Section 19(4)
of the Family Court Act challenging the order dated 07/02/2020
passed by the Family Court Ambikapur, District Surguja in
Miscellaneous Criminal Case No. 16/2016 whereby allowing the
application under Section 127 of the Code of Criminal
Procedure, the Court has enhanced the maintenance in favour
of the respondents from Rs. 2,000/- to Rs. 3,500/- each per
month, as also against the order dated 08/06/2021 rejecting the
review application of the applicant.

- 4) The respondents are the children of the applicant. Mother of the respondents Smt. Rooplata Gupta filed an application under Section 125 of the Code of Criminal Procedures in the year 2013 for grant of maintenance from the applicant for herself and the respondents. The Family Court vide order dated 26/09/2014 considering the fact that mother of the respondents is working as Siksha Karmi and earning Rs. 10,000/- per month, the applicant is an Advocate/Notary, while rejecting the application in respect of Smt. Rooplata Gupta allowed the same in relation to the respondents herein and granted them maintenance @ Rs. 1,500/- per month. Subsequently, by the impugned order dated 07/02/2020 the said maintenance amount has been enhanced to Rs. 3,500/- per month each in favour of the respondents.
- 5) Learned counsel for the applicant submits that the Family Court was not justified in enhancing the maintenance from Rs. 1,500/- to Rs. 3,500/- in view of the fact that the applicant has no permanent source of income, for the last two years due to COVID-19 Pandemic his profession has been adversely affected, he has responsibility of his aged mother whereas on the other hand the applicant's wife is a Siksha Karmi having regular source of income. In these circumstances, the impugned order may be either set aside or modified suitably.
- 6) On the other hand counsel for the respondents supports the impugned order.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the fact that the respondents are the minor daughters of the applicant, they were granted maintenance @ Rs. 1,500/- each per month in the year 2014, the hike in prices during the last six years, the cost of living in the present scenario, the nature of job of the applicant, this Court finds no illegality or perversity in the impugned order of the Family Court enhancing the maintenance from Rs. 1,500/- to Rs. 3,500/- per month in favour of the respondents.

- 9) Accordingly, the revision petition being without any substance is hereby dismissed at the admission stage itself.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant