

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 948 of 2018

1. Smt. U. Sarita Mukhlingam, W/o. U Chandrashekhar Mukhlingam, aged about 24 years,
2. Kumari U Hansika, D/o. Chandrashekhar Mukhlingam, aged about 4 years, through – natural guardian Sarita Mukhlingam,

Both are R/o. Quarter No. 1511/4, Railway Waireless Colony, P.S. Tarbahar, Tahsil and District – Bilaspur (C.G.). Current address – Mahima Nagar Ward No.5, Near Pani Tanki Sirgitti, P.S. Sirgitti, Tahsil and District – Bilaspur (C.G.)

---- Applicants

Versus

U Chandrashekhar Mukhlingam, S/o. U Mukhlingam, aged about 41 years, Ro. Annpurna Colony, Ganesh Nagar, Torwa Tahsil and District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Badruddin Khan, Advocate
For Respondent	: None present

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/04/2021

1. This criminal revision has been brought challenging the order dated 12.09.2017, passed by the Principal Judge, Family Court, Bilaspur in Miscellaneous Criminal Case No. 682 of 2016, by allowing the application filed by the applicants under Section 127 of Cr.P.C. and enhancing the maintenance amount in favour of the applicants from Rs.5500/- to Rs.6300/-.

2. It is submitted by the learned counsel for the applicants that the applicants are aggrieved by the meager enhancement of the maintenance amount. It had been proved by bringing evidence that the respondent is a salaried employee of South East Central Railway and had drawn salary of Rs.48,938/- for the month of August, 2016 regarding which, the salary slip Ex.A-3 was filed, which was unchallenged. The maintenance granted to the applicants was not befitting to the status, the applicants had enjoyed, when they were living with the respondent. Therefore, the prayer of applicants for enhancement of the maintenance up to Rs.15,000/- per month was just and proper and the same should have been enhanced accordingly. Hence, it is prayer that this revision petition be allowed and the impugned order be modified.
3. Due to non-appearance of the respondent and his counsel, this case has become uncontested.
4. Considered on the submissions. Smt. U. Sarita (A.W.-1) had stated before the Family Court that she is unable to maintain herself and her daughter on maintenance amount of Rs.5,500/-. Expenses have escalated because the applicant No.2 is a growing child, who has started going school and applicant No.1 also has requirement of medical treatment. She has stated that respondent is drawing salary of Rs.40,000/- to Rs.50,000/- and salary slips were produced, which were Ex.A-2 and A-3. In cross-examination, the respondent side did not challenge the statement of the applicant no.1 on the point of salary drawn by him.

5. Respondent U. Chandrashekhar (N.A.W.-1) had stated that he has responsibility of his family and the family of his brother. He has not received any increment in salary. In cross-examination he has admitted that he has received increment in salary. The respondent had produced salary slip of the month March, 2017, which shows that total gross salary of Rs.34,599/- deduction of Rs.17,079 and net pay received by him is Rs. 17,520/-.
6. After appreciation of the evidence from both the sides and on perusal of the salary slips produced by both the sides, it is found that the basic salary of the non-applicant is Rs.31,000/-, which includes other allowance to make up gross salary. The deduction showed in the salary slips on March, 2017, are not permanent features. After repayment of departmental loan, there is likelihood that respondent shall have income, with which, he can maintain the applicants. Taking into consideration, the capability of the respondent and need of the applicants I feel inclined to allow this revision petition.
7. Accordingly, the revision petition is allowed. The impugned order is modified. It is ordered that the respondent shall pay enhanced maintenance of Rs.5000/- to the applicant no.1 and he shall pay enhanced maintenance of Rs.4000/- to the applicant No.2 from the date of the impugned order.
8. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge