

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****CR.R. No. 690 of 2017**

Satish Chandra Dwivedi S/o Late Harprasad Dwivedi, Aged About 61 Years (At Present Aged About 63 Years) Retired Government Employee (Accountant), Permanent R/o Kila Mohalla, Shanichara, Village Babai, Post Babai, Police Station and Tahsil Babai, District Hoshangabad, Madhya Pradesh.

---- Applicant**Versus**

Manju Dwivedi D/o Late R.P. Sharma, Aged About 50 Years W/o Satish Chandra Dwivedi, R/o C/o Mahesh Dixit, Quarter No. B-5, Vaishnavi Vihar, Phase 2, After Uslapur Railway Crossing, Village Ameri, Post Mangla, District Bilaspur, Chhattisgarh.

----Non-applicant

 For applicant : Ms. Ashtha Sharma, Adv.
 For non-applicant : Mr. Anup Majumdar, Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****13-8-2021**

1. This criminal revision has been preferred by the applicant against the order dated 23-5-2017 passed by the Family Court, Bilaspur (CG) in MJC (Cri.) No. 96/2017 (Manju Dwivedi -v- Satish Chandra Dwivedi).

2. Brief facts of this case are that vide order dated 22-7-2010 passed by the Family court, Bilaspur in MJC(Cr) No. 279/2009, the non-applicant/wife was granted Rs. 3,000/- per month maintenance amount against the applicant/husband. On the application filed by the non-applicant/wife to enhance the maintenance amount which was registered as MJC (Cr.) No. 96/2017, after affording opportunity to the parties to lead evidence and after hearing both the parties, vide the impugned order dated 23-5-2017, learned Family Court enhanced the maintenance amount from Rs. 3,000/- per month to Rs. 7,000/- per month in favour of the non-applicant/wife.

3. Learned counsel for the applicant/husband submits that the applicant is aged about 65 years, he is a retired person, his

monthly pension is only Rs. 21,825/-. He is having responsibility of his marriageable daughter. Also, he has to spend handsome amount for treatment of himself. He does not have any land. On the other hand, their son who reside with non-applicant/wife is adult and engineering graduate. She herself earns Rs. 12,000/- per month by teaching / coaching students and also has agricultural land. Despite that, learned Family Court has enhanced the maintenance amount from Rs. 3,000/- to Rs. 7,000/- per month, which he is unable to pay. Therefore, the impugned order is erroneous.

4. On the other hand, learned counsel for the non-applicant/wife submits that when the amount Rs. 1,000/- was granted first time vide order dated 29-10-2003, the salary of the applicant/husband was Rs. 6,000/-, when the amount was first time enhanced to Rs. 3,000/-, his salary was Rs. 15,380/-, now he is getting pension of Rs. 21,825/- per month and has also got Rs. 10 lacs as retiral dues, whereas, the non-applicant/wife has no means of her livelihood. Neither she teaches students nor she has any agricultural land. Instead, she has liability of her son who is unemployed. Price index and cost of other essential commodities has also increased. Therefore, order impugned does not call for any interference by this Court.

5. I have heard learned counsel for the parties and perused the material available on record and the impugned order.

6. Record of lower court shows that vide order dated 22-7-2010, amount of monthly maintenance of non-applicant/wife was enhanced from Rs. 1,000/- to Rs. 3,000/- per month against the applicant. No doubt, thereafter price index of essential commodities and other items has considerably increased. The applicant/husband himself has admitted in his court statement that he is getting Rs. 21,825/- per month pension (Ex. NA-3) and has received Rs. 10 lacs in addition to pension (Ex. NA-4), although, he has also stated that his daughter is marriageable who is being

maintained by him, and he has also to spend handsome amount for his own treatment (Ex. NA-5).

7. Above statement of the applicant/husband shows that he is having responsibility of his marriageable daughter, he is also having age element problems, but on the other hand, the non-applicant/wife is also aged about 50 + years. Record of lower Court does not show that she is having any means of her maintenance. On the other hand, the applicant/husband is getting Rs. 21,825/- per month pension and has also received about Rs. 10 lacs retiral dues. Therefore, looking to above facts, I do not find any infirmity in the impugned order enhancing maintenance amount from Rs. 3,000/- to Rs. 7,000/- monthly.

8. Consequently, the instant criminal revision being devoid of merit, deserves to be and is hereby dismissed.

Sd/-
N.K. Chandravanshi
Judge