

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 866 of 2021

1. Mantosh Kumar Yadav S/o Late Shri Babu Lal Yadav Aged About 38 Years R/o Rungara Basti, Near City (Near Primary School), Police Station Balco Nagar, District- Korba, (C.G.).

---- Applicant

Versus

1. Smt. Lalita Bai W/o Shri Mantosh Kumar Yadav Aged About 33 Years,
2. Kumari Chandani Yadav D/o Mantosh Yadav Aged About 13 Years, Through Natural Guardian Mother,

Both are R/o Motisagarpara, Korba, Tehsil And District Korba (C.G.)

---- Respondent

For Applicant : Mr. Anshul Tiwari, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26/11/2021

- 1) Heard on admission.
- 2) The applicant has filed this revision petition under Section 19(4) of the Family Court Act read with section 397/401 of the Code of Criminal Procedure challenging the order dated 03/09/2021 passed by the Family Court Korba, District Korba (CG.) in Miscellaneous Criminal Case No. 116/2019 whereby the Family Court partly allowing the application under Section 127 of the Code of Criminal Procedure enhanced maintenance from Rs. 1,200/- to Rs. 2,500/- in favour of respondent No. 1 and Rs. 1,000/- to Rs. 2,000/- in favour of respondent No. 2 from the date of the order.
- 3) Learned counsel for the applicant submits that the Family Court was not justified in enhancing the maintenance amount without there being any material showing the source of income of the applicant, without considering the reply of the applicant and the

documents submitted by him which shows that he is mentally retarded and under treatment. Therefore, the impugned order is liable to be set aside.

- 4) Heard.
- 5) Considering the fact that the respondent No. 1 was granted Rs. 1,200/- per month and her minor daughter respondent No. 2 was granted Rs. 1,000/- per month by the Family Court in the year 2017, the hike in prices from year 2017 till date, the findings recorded by the Family Court in Para 18 of the impugned order, the nature of ailment of the applicant seen from the documents annexed with this revision, this Court finds no illegality or perversity in the impugned order of the Family Court. Consequently, the revision petition being without any substance is hereby **dismissed** at the admission stage itself.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant