IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

CRIMINAL REVISION No. 82 of 2016

BETWEEN:-

SMT. NEELAM W/O PRAMOD VERMA, AGED ABOUT 45 YEARS, OCCUPATION: HOUSEWIFE 86-A, SURYADEV NAGAR, INDORE (MADHYA PRADESH)

.....PETITIONER

(NONE FOR PETITIONER)

AND

PRAMOD S/O HAZARILAL VERMA, AGED ABOUT 47 YEARS, OCCUPATION: SENIOR MANAGER PERMANENT ADD - 1, C-85, TALBANDI, KOTA (RAJ.) / PRESENT ADD - PUNJAB AND SINDH BANK. BRANCH GURUHAR SAHAY, MUKHTSAR ROAD, GURUHAR SAHAY, DISTT. FIROZPUR (PUNJAB)

.....RESPONDENT

(BY SHRI VISHWAMBHAR VARANGAONKAR, ADVOCATE)

This revision coming on for orders this day, the court passed the following:

ORDER

Case is called twice.

None appears for the petitioner.

The matter is pending since 2016.

Heard finally.

The present Criminal Revision is filed under section 19(4) of the Family Court Act challenging the order dated 30.11.2005 passed by I Additional Principal Judge, Family Cort, Indore in Misc. Criminal case No. 676/2014

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whereby the learned Judge has partly allowed the applicant's application under section 125 Cr.P.C. and directed to pay Rs.10,000/- per month as maintenance and Rs.1000/- per month as medical expenses from the date of the order.

The applicant has filed application under section 127 Cr.P.C. for enhancement of maintenance from Rs.5,000/- to Rs.30,000/- and house rent of Rs.5000/- and medical expenses of Rs.5,000/- per month. The Principal Judge after appreciating the evidence held that as per salary slip of the respondent of September, 2015 (Ex.P/5) after all deductions, he is getting salary of Rs.58,661/- and on consideration of the same, enhanced the fine amount from Rs.5000/- to Rs.11,000/- and medical expenses of Rs.1,000/- from the date of the order.

Counsel for the respondent submits that subsequently the maintenance amount has been enhanced under section 127 Cr.P.C.

The aforesaid enhancement of maintenance is a separate cause of action which cannot be examined in the present case. It is open for the respondent to challenge the said order in accordance with law.

Considering the aforesaid finding regarding salary of the respondent, I find no illegality in the order and appropriate enhancement amount has been awarded by the Family Court.

In view of aforesaid, the revision is dismissed..

(VIJAY KUMAR SHUKLA)
JUDGE

MK

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