



2023:CGHC:12104



2026:CGHC:1088

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 154 of 2023**

1. Smt. Shilpi Miri W/o Shri Bhedprasad Miri Aged About 24 Years Caste Satnami R/o Village Janji Police Station Sipat, Tahsil Masturi, District Bilaspur Chhattisgarh
2. Minor Baby. Pratishtha Miri D/o Shri Bhed Prasad Miri Aged About 7 Years Minor Daughter Through The Applicant Shilpi Miri, Caste Satnami R/o Village Janji Police Station Sipat, Tahsil Masturi, District Bilaspur Chhattisgarh

... Applicants**versus**

Bhedprasad Miri S/o Chandaram Miri Aged About 30 Years R/o CISF Unit Hirri Mines Csf No. 101360340 Police Hirri/ Chakarbhata District Bilaspur Chhattisgarh

... Respondent

For Applicants : Mr. Manish Kumar Sahu, Advocate on behalf of Mr. Awadh Tripathi, Advocate.

For Respondent : Mr. Atul Kumar Kesharwani, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****07.01.2026**

1. Heard Mr. Manish Kumar Sahu, learned counsel appearing on behalf of Mr. Awadh Tripathi, learned counsel for the applicants. Also heard Mr. Atul Kumar Kesharwani, learned counsel, appearing for the respondent.
2. The present revision has been filed by the applicants with the following



prayer:

"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to set aside the order dated 23.01.2023 as passed by the learned Additional Principal judge of Family Court Bilaspur (C.G) in Miscellaneous Criminal Case No. 262/2022, and thereby enhanced the maintenance amount from 6000/- to 12000/- to the applicant No. 1 and from 4000 to 8000/- to the applicant No 2 total amount of Rs 20,000/- in the interest of justice."

3. Facts of the case are that vide order dated 21.05.2019, the learned Family Court, Bilaspur (C.G.), granted maintenance of Rs. 6,000/- per month to the applicant No.1, Smt. Shilpi Miri, and Rs. 4,000/- per month to the applicant No.2, minor Baby Pratistha Miri, against the respondent in Miscellaneous Criminal Case No. 592/2018. On 19.11.2020, the applicants filed an application for enhancement of maintenance under Section 127 of the Code of Criminal Procedure, pleading that the maintenance amount earlier granted was insufficient to maintain themselves. It was further pleaded that the salary of the respondent was more than Rs. 50,000/- per month, and in November 2020, his income was Rs. 54,100/- as basic pay. It was also stated that the parents of the respondent possess ancestral property and are being taken care of by his brother, who is serving in the police department; therefore, the respondent has no substantial financial liability. Accordingly, the applicants sought enhancement of maintenance to Rs. 12,000/- per month for Applicant No.1, Smt. Shilpi Miri, and Rs. 8,000/- per month for Applicant No.2, totaling Rs. 20,000/- per month.



4. The respondent filed his reply denying the averments made by the applicants and submitted that he himself is financially constrained due to daily expenses and medical treatment. He further stated that he is required to maintain his parents and his unmarried sister, who is presently pursuing college education, and that her maintenance, medical expenses, tuition fees, books, and travelling expenses are dependent upon him.
5. Learned Family Court, though allowed the application for enhancement, enhanced the maintenance amount only from Rs. 6,000/- to Rs. 7,000/- per month in favour of applicant No.1 and from Rs. 4,000/- to Rs. 5,000/- per month in favour of applicant No.2.
6. Learned counsel for the applicant submits that the learned Family Court, without considering the basic pay scale of the respondent, instead of enhancing the maintenance proportionate to his income and keeping in view the day-to-day increase in expenses, failed to award reasonable maintenance. Considering the present cost of living, at least Rs. 12,000/- per month to applicant No. 1 and Rs. 8,000/- per month to applicant No. 2 ought to have been awarded in the interest of justice. He also submits that the learned Family Court, without properly appreciating the material available on record, enhanced only a meager amount in favour of the applicants, whereas the maintenance payable to applicant No. 1 (wife) and applicant No. 2 (minor daughter) ought to have been enhanced from Rs. 2,000/- to Rs. 8,000/- per month. He further submits that the applicant submitted her affidavit stating that her husband, the respondent, is a constable earning a salary of approximately Rs. 50,000/- per month. The said statement was not rebutted by the respondent, as he failed to produce his current salary slip and instead filed a salary slip



of December 2021. This clearly shows that the respondent deliberately withheld his current salary details to avoid paying proper maintenance. Although an adverse inference ought to have been drawn against the respondent, the learned Family Court failed to consider this aspect and passed the impugned order. Learned Family Court further failed to consider that the applicant specifically pleaded that the respondent owns about 5 acres of agricultural land from which he derives income. The said fact was not rebutted by the respondent. Despite this, the learned Family Court enhanced the maintenance by only a meager amount of Rs. 1,000/- each to the applicants, which is unjust and improper.

7. On the other hand, learned counsel appearing for the respondent opposes the prayers and submissions made by learned counsel for the applicants.
8. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
9. From perusal of the impugned order, it transpires that the learned Family Court, after considering all the documents and evidence adduced by the parties, has partly allowed the application under Section 127 of the CrPC filed by the applicants. The Court has enhanced the maintenance from Rs. 6,000/- to Rs. 7,000/- per month in favour of applicant No.1 and from Rs. 4,000/- to Rs. 5,000/- per month in favour of applicant No.2, observing the income, social and economic status of both the parties and current price index, which cannot be said to be on lower side.
10. Considering the submission advanced by the learned counsel for the parties and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the learned Family Court has not committed any illegality or infirmity or jurisdictional error in the



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impugned order warranting interference by this Court.

11. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek