



IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION NO. 801 OF 2013

Single Bench

PETITIONERS :

1. Hemlata Mishra, W/o Shri Anil Mishra, aged about 21 years,
2. Ku. Kumkum, D/o Shri Anil Mishra, aged about 7 month (**at present**

about 3 years), Pet. no. 2 Minor through Natural Guardian Mother Hemlata Mishra Both R/o Village Thakurtola, Police

Station Gandai, At Present residing at Maruti Ward Kawardha, Police Station and Tahsil Kawardha, Civil and Revenue District Kabirdham (C.G.)

VERSUS

RESPONDENT :

Anil Mishra, S/o Shri Bipendra Mishra, aged about 26 years, R/o Village Thakurtola, Police Station Gandai, Tahsil Chhuikhadan, Civil and Revenue District Rajnandgaon (C.G.)

CRIMINAL REVISION UNDER SECTION 19(4) OF THE FAMILY COURT'S ACT

Being aggrieved by the impugned order dated 10.07.2013, passed by Judge Family Court, Kabirdham (C.G.) in Miscellaneous Criminal Case No. 219/2013 (**Annexure P-1**), the petitioners beg to prefer this criminal revision on the following facts and grounds:-

मामला क्रमांक

C.R. No. 801/13

सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

80

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>S.B: HON'BLE MR.JUSTICE SANJAY .K. AGRAWAL</u> <u>30.06.2014:</u> Shri P.P. Sahu, counsel for the petitioners. Shri Suyash Dhar, counsel for the respondent.</p> <p>Heard on admission.</p> <p>(1) In a proceeding initiated under Section 125 of the Code of Criminal Procedure (for short the Cr.P.C.) by Smt. Hemlata Mishra & and her minor daughter Ku. Kumkum claiming maintenance from her husband – Anil Mishra, learned Family Court, by its order dated 10.07.2013 passed in Misc. Cri. Case No. 219/2013, after recording a finding that Ku. Kumkum was born out of wedlock of respondent– Anil Mishra & petitioner No.1 – Hemlata Mishra and, thereafter, recorded a finding that Hemlata Mishra is living without reasonable and sufficient cause from her husband, and thus, she is not entitled for any maintenance. However, the trial Court recorded a finding that Ku. Kumkum, daughter of respondent & petitioner No. 1 is unable to maintain herself and, therefore, proceeded to grant ₹ 500/- as maintenance to her from the date of order.</p> <p>(2) Learned counsel for the petitioners would confine his submission to enhancement of maintenance for petitioner No. 2- Ku.</p>	

मामला क्रमांक सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

81

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	<p style="text-align: center;">-2-</p> <p>Kumuku. He would submit that the amount of ₹ 500 granted to petitioner No. 2 – Ku. Kumkum is shockingly low and it is difficult for petitioner No. 1 Hemlata Mishra to maintain her minor daughter Ku. Kumkum with a meager sum of ₹ 500/-, which is opposed by learned counsel appearing for the respondent/husband .</p> <p>(3) Looking to the price index and the need of minor Kumkum and further considering that petitioner No. 1 Hemlata Mishra has not been granted maintenance and she has no independent source of income, ends of justice would be served if the maintenance granted to petitioner No. 2 –Ku. Kumkum is enhanced from ₹ 500 to ₹ 1,000/-.</p> <p>(4) Consequently, the revision is allowed in part. Now, from today, respondent – Anil Mishra shall pay ₹ 1,000 (Rupees One Thousand) per month to petitioner No.1 Hemlata Mishra for maintenance of petitioner No. 2 – Ku. Kumkum.</p>	<p style="text-align: right;">Sd/- Sanjay K. Agrawal Judge</p>