
(2010) 02 AHC CK 0224
In the Allahabad High Court
Case No : Criminal Revision No. 297 of 2002

Mool Chandra @ Laloo

APPELLANT

Vs

State of U.P. and another

RESPONDENT

Date of Decision : 01-02-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 127

Citation : (2010) 02 AHC CK 0224

Hon'ble Judges : Virendra Singh, J

Final Decision : Dismissed

Judgement

Virendra Singh, J.—This revision has been preferred by revisionist Mool Chandra alias Laloo against the order dated 20.12.2001 passed by Judge Family Court, Moradabad in Misc. Case No. 14 of 2001(Smt. Balbeeri Vs. Mool Chand), whereby the learned lower court as per provisions under section 127 of the Criminal Procedure Code enhanced the maintenance allowance from Rs.100/ to Rs.500/ only.

2. No one appeared on behalf of revisionist while learned A.G.A on behalf of State remained present.

3. I have heard learned A.G.A and gone through the grounds taken in the memo of revision and I do not find any substance in the grounds mentioned in the revision. It is stated in the grounds that the revisionist is paying maintenance allowance to the respondent No.2 Smt. Balbeeri till date regularly without any default. Neither any notice was served upon the revisionist with regard to enhancement of the maintenance allowance nor the revisionist was given any opportunity of hearing or filing any objection. The learned Judge committed illegality in making the enhancement from Rs.100/ to Rs.500/ per month as maintenance allowance.

4. In the light of the aforesaid grounds mentioned in the memo of revision, the perusal of the impugned order reveals that the revisionist had not appeared

before the learned lower court and exparte proceedings were drawn against him. The respondent i.e Smt. Balbeeri, had prayed before the learned lower court for enhancing the amount of maintenance by the revisionist to the respondent from Rs.100/ to Rs.500/.

5. Section 127 Cr.P.C confers the power on the lower court for enhancement of the maintenance. The learned lower court enhanced the amount of maintenance of Rs. 100/per month only awarded on 30.8.1983 to the extent of Rs. 500/ per month on 20. 12.01 is too excessive looking in the long span of time enhanced cost of living and enhanced income of husband. Therefore, this revision has no force and is liable to be dismissed and is hereby dismissed accordingly.