
(2010) 08 AHC CK 0325
In the Allahabad High Court
Case No : Criminal Revision No. 1053 of 2003

Panno Rani Sharma and others	Vs	APPELLANT
State of U.P.and another		RESPONDENT

Date of Decision : 20-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2011) 8 RCR(Criminal) 2901

Hon'ble Judges : Rajesh Chandra, J

Final Decision : Allowed

Judgement

Rajesh Chandra, J.—Smt. Panno Rani Sharma and five her children have filed this revision against the judgment and order dated 22.3.2003 passed by Principal Judge, Family Court, Jhansi, awarding maintenance allowance of Rs. 500/ to the revisionist Smt. Panno Rani and Rs. 300/each to her five children.

2. In brief the facts of the case are that Smt. Panno Rani on her behalf and on behalf of her children filed an application under section 125 Cr.P.C. against her husband Kishan Lal Sharma for maintenance of Rs. 3,000/ for herself and Rs. 2,000/ each for her five children. The learned Lower Court allowed the application and awarded maintenance as mentioned above. The applicant Smt. Panno Rani being dissatisfied with the impugned order dated 22.3.2003 has filed this revision for the enhancement of the maintenance amount. Against the impugned order dated 22.3.2003, the opposite party Kishan Lal Sharma did not file any revision.

3. The case was taken up on 16.8.2010 when the learned Counsel for the revisionists was present but none was present for the opposite party Kishan Lal Sharma. In these circumstances the arguments of the learned Counsel for the revisionists as well as learned A.G.A. were heard.

I have gone through the entire record as well as the impugned order.

4. It has admitted fact that the opposite party Kishan Lal Sharma was getting

salary of Rs. 11,000/ per month. However, learned Lower Court allowed a total maintenance of Rs. 2,000/ to the revisionists considering this fact that the revisionists are living in the house of the opposite party whereas the opposite party is living somewhere else.

5. Learned Counsel for the revisionists argued that the Lower Court has allowed a meager sum of Rs. 2,000/ for the maintenance of the revisionists although the income of the opposite party was Rs. 11,000/. His contention is that even though the revisionists are living in the house of the opposite party still they require sufficient amount for their maintenance.

6. I have considered over the argument and I am satisfied that the learned Lower Court has committed illegality in allowing such a meagre amount to the applicants who are six in number. An amount of Rs. 300/ each has been allowed to the children and I am satisfied that this amount is wholly inadequate as a person cannot be maintained in a paltry sum of Rs. 300/ per month. I am satisfied that the order of the Lower Court needs modification. Since the opposite party is having a monthly income of Rs. 11,000/, hence, he can easily part with 1/3rd amount of the salary for the maintenance of his wife and five children.

7. The revision is allowed and it is ordered that each revisionists shall be entitled for a sum of Rs. 600/ per month from the opposite party with effect from the date as has been ordered by the Court below.

8. The revision is finally disposed of. Let a copy of this order be sent to the Principal Judge, Family Court, Jhansi for information.

Revision Allowed.