

IN THE COURT OF THE JUDGE, FAMILY COURT,  
BHUBANESWAR.

Present : Shri Pravakar Mishra, OSJS(SB),  
Judge, Family Court, Bhubaneswar.

Criminal Proceeding No. 94 of 2013

1. Sahim Bilkis Parwin, aged about 33 years,  
W/o-Sk. Amin Uddin
2. Sk. Nawaz Uddin, aged about 10 years,  
S/o-Sk. Amin Uddin
3. Muskan @ Bilkis Farhin Akhtar, aged about 9 years,
4. Arman @ Bikas Afrin Akhtar, aged about 6 years,  
Petitioner No. 3 and 4 are daughters of Sk. Amin Uddin  
Sl. No. 2,3 and 4 are being minors represented through  
their mother guardian petitioner No.1.  
All are of Bhagabanpur, P.S.-Brahmagiri, Dist-Puri.  
At present Vill/P.O.-Mukundadaspur, P.S.-Balipanna,  
Dist-Khurda.

... Petitioners

... Versus...

Sk. Amiruddin, aged about 40 years,  
S/o.-Sk. Fakiruddin, Vill.-Bhagabanpur,  
P.S.-Brahamagiri, Dist-Puri.

... Opp. Party

Date of Argument : 21.11.2015

Date of Judgment : 24.11.2015

J U D G M E N T

The petitioner No.1-wife has filed a petition U/s. 127 of the Cr.P.C. against the Opp. Party-husband for enhancement of their monthly maintenance from Rs. 500/- and Rs. 300/- to each of minors (i.e. petitioner No.2, 3 and 4) to Rs. 5,000/- and Rs. 3,000/- respectively.

2. The case of the petitioner No.1 in a nut-shell is that, she and her minor children were granted maintenance i.e. Rs.500/-for herself and Rs.300/- to each of the petitioners (i.e. petitioner No.2, 3 and 4) vide

C.M.C. No. 29/2009 by learned J.M.F.C, Bhubaneswar on 05.11.2009 and as per the order, they are now getting that amount towards their maintenance but the said amount is not sufficient on their part to maintain their livelihood due to rise in price of essential commodities and study expenses of the children. In the meanwhile the income of the Opp. Party has increased due to hike in his fishery business from which he earns Rs. 20,000/- per month, besides he has teak Akasi, Neem furniture manufacturing shop out of which he is also getting Rs. 30,000/- per month. Apart from that he is getting Rs. 1,55,000/- per annum from his seven acres of landed property in his native village. With these changing circumstances, she claimed revision of their monthly maintenance to Rs.5,000/- and Rs. 3,000/- to each of the petitioners (i.e. petitioner No. 2 to 4) from Rs. 500/- and 300/- respectively.

3. The Opp. Party did not enter contest the petition and therefore, is set ex-parte.

4. The only point to be considered is whether there is change of circumstance after previous maintenance was allowed to the petitioners?

5. The petitioner in order to prove her case, she herself, has been examined as P.W. 1 but chose not file any document on her behalf. P.W. 1 during her examination has supported the averments made in the petition which I do not like to geminate to avoid prolixity of the order. From her unchallenged testimony, it is established that the petitioners i.e. petitioner No.1 was granted Rs. 500/- and each of the petitioners i.e. petitioner No. 2 to 4 were granted Rs. 300/- per month respectively towards their maintenance when the Opp. Party was getting Rs. 20,000/- per month from his fishery business, besides he was earning Rs. 1,40,000/- from his agricultural landed property as evident from xerox certified copy of Judgment passed in C.M.C. No. 29 of 2009. Therefore, the income of the Opp. Party has increased in his business in the interregnum. Additionally, the price of the essential commodities has been hiked. Thus, these two circumstances establish the change of

circumstances entitling the petitioners for enhancement of their monthly maintenance. Thus, keeping into the family status and income and price hike of essential commodities, if feel it just and proper to enhance the monthly maintenance of the petitioner No.1 to Rs. 2,000/- from Rs. 500/- and Rs. 1,000/- to Rs. 300/- to each of the petitioners (i.e. petitioner No.2 to 4). Hence, it is ordered;

O R D E R

The petition of the petitioner is allowed ex-pate in favour of the petitioner. The Opp. Party is directed to pay Rs. 2,000/- per month to the petitioner No.1 and Rs. 1,000/- to each of the petitioner (i.e. petitioner No.2 to 4) from the date of filing of this application i.e. from 10.06.2013 by adjusting the payment if any made by him during the period of enhancement of maintenance dues. He is further directed to pay the arrear maintenance dues within two months to the petitioners. The current maintenance amount shall be paid within the first week of each succeeding month. Any deviation in payment of maintenance dues, the petitioners are at liberty to realize the same through process of law.

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Dictated, corrected by me and is pronounced on this the 24<sup>th</sup> day of November, 2015.

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Witnesses examined for the petitioner:

P.W.1 Sahim Bilkis Parwin

Witnesses examined for the Opp. Party:

None

List of documents by petitioner:

Nil

List of documents by Opp. Party:

Nil

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