

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.85 of 2012**

1. Umravati Singh, W/o Koushal Singh, aged about 32 years, Caste Rajpoot Kshatri, R/o Village Bartori, P.S. and Tahsil Tilda, District Raipur (Chhattisgarh), at present R/o Village Mahant, P.S. Nawagarh, District Janjgir-Champa, Chhattisgarh
2. Shri Aashu Singh, S/o Koushal Singh, aged about 6 years, Caste Rajpoot Kshatri, through Natural Guardian Mother R/o Village Bartori, P.S. and Tahsil Tilda, District Raipur, Chhattisgarh, at present, R/o Village Mahant, P.S. Nawagarh, District Janjgir-Champa, Chhattisgarh

---- Petitioners**versus**

Koushal Singh, S/o Dalganjan Singh, aged about 38 years, Caste Rajpoot Kshatri, R/o Village Bartori, P.S. and Tahsil Tilda, District Raipur, Chhattisgarh

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For Petitioners	:	None
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Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****4.8.2016**

1. By means of this petition, the wife has challenged order dated 29.11.2011 passed in Case No.113 of 2010 by the Family Court, Janjgir-Champa.
2. The wife had filed a petition under Section 125 of the Code of Criminal Procedure for grant of maintenance for herself and her minor son, who was aged about 6 years at that time.
3. The Family Court came to the conclusion that both were entitled to maintenance and this finding is not under challenge before this Court. The Family Court fixed maintenance in favour of the wife at Rs.1,000/- per month and for the minor son at Rs.500/- per month, i.e., in all Rs.1,500/- per month.
4. The Family Court, with regard to income of the husband, came to the conclusion that the husband is an able bodied person and runs a shop in a village for repairs and selling of mobiles. Though the wife claimed

that the husband was earning Rs.30,000/- per month, this claim is meaningless. But, this Court, even on a very conservative estimate, is of the view that a person, who was running a mobile shop, even in the year 2012, would not be earning less than Rs.350/- per day, i.e., Rs.10,500/- per month. The wife and the minor son have to be looked after and, therefore, I enhance the maintenance in favour of the wife from Rs.1,000/- per month to Rs.2,000/- per month and in favour of the minor son from Rs.500/- per month to Rs.1,000/- per month. The maintenance awarded today is payable to the wife and the son with effect from the date of filing of the instant revision petition, i.e., 23.1.2012. After 5 years, i.e., on 23.1.2017, the wife and the son shall be entitled to claim enhancement of maintenance in terms of Section 127 of the Code of Criminal Procedure.

5. The amount of maintenance is to be paid on or before 15th day of every month. The arrears of maintenance is to be paid in 12 equal monthly installments on or before 15th day of every month. The order under challenge is modified to the extent indicated above. The criminal revision is disposed of in the aforesaid terms.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE