

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 719 of 2011**

1. Smt. Kabutari D/o Bilku Giri W/o Rudan Giri, aged 28 years.
2. Ku. Roshani D/o Rudan Giri, aged about 18 months, (Minor) Through her natural guardian Mother Smt. Kabutari (NA-1)
Both R/o village Ramnagar, PS & Tahsil Kusmi, District Surguja, (Chhattisgarh)
---- Applicants

Versus

Rudan Giri S/o Maheshwar Giri, aged about 35 years, Occupation Agriculturist & Secretary, Gram Panchayat Manora, R/o village Goreyatoli, Police Chowki Manora, PS & Tahsil Jashpur, District Jashpur, Chhattisgarh.

---- Non-Applicant

For Appellant : Shri Keshav Dewangan,
For Respondent/State : Shri Vinod Deshmukh, Deputy Government Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****04/08/2016**

1. This revision petition is directed against the order dated 20.10.2011 passed by the Family Court, Ambikapur, in Miscellaneous Criminal Case No. 155 of 2010 whereby the claim of the Applicant-wife for grant of maintenance has been dismissed, however, the minor daughter aged about 18 months was awarded maintenance at the rate of Rs. 500/- per month.
2. The admitted facts in this case are that the non-applicant/husband was working as Rojgar Sahayak in Janpad Panchayat, Manora. The finding of the learned Court below was that at the relevant time, the non-applicant/husband was getting salary of Rs. 2,000/- per month. The lower Court found that the wife was also doing some manual work and earning Rs. 30-35/- per day i.e. Rs. 1000/- per month and therefore rejected her claim.

3. I am clearly of the view that in the year 2011, when the award in question was passed, the salary of a Panchayat employee cannot be less than Rs. 6000/- per month. Even an able bodied person would earn Rs. 200/- per day or Rs. 6000/- per month in the year 2011. Even if the wife was earning, then also she was entitled to Rs. 1000/- per month as maintenance in addition to what she was earning and the minor daughter would also be entitled to Rs. 1,500/- per month i.e. the husband has to pay Rs. 2,500/- per month to the Applicants as maintenance.

4. In view of the above discussion, the revision petition is allowed. The order of the learned Family Court is modified and the non-applicant/husband is directed to pay maintenance at the rate of Rs. 1000/- per month to the wife and Rs. 1500/- per month to the minor daughter from the date of filing of the application before the Court below. The arrears of enhanced amount of maintenance shall be paid by the non-applicant/husband to the Applicants in 12 equal monthly installments and the future maintenance amount shall be paid on or before 15th of every month. The Applicants shall also be at liberty to file an appropriate application for enhancement of maintenance in terms of Section 127 CrPC.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE