

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 298 OF 2007**

1. Aayush Bhagat S/o Ashok Bhagat aged about 8 years (At present 10 years)

2. Aayushi Bhagat D/o Shri Ashok Bhagat aged about 7 years (At present 9 years) Guardian mother Mrs. Meena Bhagat W/o Shri Ashok Bhagat aged 41 years (At present 43 years)

Permanant R/o Qtr. No.09 Type V.W. Street No.02 Township Dalli Rajhara Tahsil Balod District Durg Chhattisgarh

Present Address Qtr. No.4-A Street No.29 Sector 4 Bhilai P.S. Sector 06 Kotwali Bhilai Tahsil and District Durg Chhattisgarh

---- **Petitioners****Versus**

Ashok Bhagat S/o Shri Bapu Rao Bhagat aged about 41 years (At present 43 years) Occupation Service in B.S.P. In Techincian R/o 01 N. Street No.36 Sector 06 P.S. Sector 06 Kotwali Bhilai Tahsil and District Durg Chhattisgarh

---- **Respondent**

|                 |   |                                |
|-----------------|---|--------------------------------|
| For Petitioners | : | None.                          |
| For Respondent  | : | Shri Prakash Tiwari, Advocate. |

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

1. This petition by the two minor children is directed against the order dated 20.4.2007 passed by the Principal Judge, Family Court, Durg whereby he awarded Rs.800/- per month to each of the two children. It is not disputed that the Petitioners are the sons of the Respondent, they were aged about 8 years and 7 years, respectively in the year 2005. Now, Aayush Bhagat would be aged about 19 years and Aayushi Bhagat would be aged about little less than 18 years.

2. The only question involved in this case is with regard to quantum of

maintenance. The father of the Petitioners is earning salary of Rs.13,462/-, it appears that wife herself also earning, therefore, no maintenance was claimed by her. In such a situation, the husband is expected to bear 50% of expenses to each of the children. Where the husband and wife are earning members that is double income family, the expenses of the children are normally on the higher side because money has to be spent not only for school fees but also for tuition fees and other ancillary expenses. Therefore, the claim of the Petitioners for maintenance of Rs.1500/- per month is very reasonable.

3. In view of the above, order of the Learned Family Judge is modified and the maintenance payable by the Respondent to each of the two children is enhanced from Rs.800/- to Rs.1500/-. It is however clarified that as far as son Aayush Bhagat is concerned, he shall be entitled to claim maintenance only till he attains the age of majority and the daughter Aayushi Bhagat shall be entitled to maintenance till she gets married. The maintenance is awarded with effect from the date of filing of the petition. Arrears of enhanced amount of maintenance be paid within one year in 12 equal monthly installments. Future maintenance amount be deposited on or before 15<sup>th</sup> of each month and the Petitioners shall be at liberty to approach the Family Court for enhancement of maintenance in terms of Section 127 Cr.P.C.

4. With the aforesaid observation, criminal revision stands disposed of.

Sd/-  
**(Deepak Gupta)**  
**Chief Justice**