

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.115 of 2012**

Smt. Dhaneshwari Chandrakar W/o Shri Mohan @ Raju Chandrakar aged about 23 years R/o Neharu Nagar (West) Sub Station Staff Quarter Bhilai Tahsil and District Durg Chhattisgarh

---- Petitioner**Versus**

Mohan @ Raju Chandrakar S/o Paikhat Chandrakar aged about 28 years R/o Village Chuchrungpur Tahsil and District Kawardha Chhattisgarh

---- Respondent

For Petitioner	:	Shri Sunil Sahu, Advocate.
For Respondent	:	None.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****09/12/2016**

1. This revision petition by the wife has been filed for enhancement of the maintenance amount granted by the Principal Judge, Family Court, Durg vide order dated 10.1.2012 in Miscellaneous Criminal Case No.305 of 2010.
2. It is not disputed that the parties were married to each other according to Hindu rites in the year 2007. The wife has filed a petition under Section 125 Cr.P.C. for grant of maintenance claiming that her husband was not maintaining her. The Learned Family Court accepted the case of the wife and held that she was entitled to maintenance. He however held that the husband is a labourer and was only earning Rs.2500/- to 3000/- per month and he awarded only maintenance of Rs.600/- per month to the wife.
3. As a rule of thumb, at least 1/3rd of the income should be granted to the wife as maintenance. The wife could not have been expected even to maintain herself at the rate of Rs.600/- per month. This Court can take

judicial notice of the fact that as of date, even a labourer would not earn less than Rs.200-250/- per day and his income as of date would not be less than Rs.6000/- to Rs.7000/- per month.

4. Therefore, I feel that the wife should be entitled to minimum maintenance of Rs.2000/- per month. This enhanced amount shall be paid only w.e.f. 1.12.2016.

5. The revision petition is allowed in the aforesaid terms.

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