

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 500 of 2013

- Smt.Chandravati Devi, W/o Om Prakash Sharma, D/o Suresh Sharma, Aged About 23 Years, Caste Badhai, R/o Ward No.13, Ramanujganj, P.S. and Tahsil Ramanujganj, Distt. Balrampur – Ramanujganj, Civil and Revenue Distt. Balrampur - Ramanujganj, Chhattisgarh

---- Petitioner

Versus

- Om Prakash Sharma, S/o Chhabinath Sharma @ Prithvinath Sharma, Aged About 24 Years, R/o Village Ghathukila, P.S. Kandi (Majhiao), Distt. Gadhwa, Jharkhand

---- Respondents

For Petitioner

Shri S. S. Rathore, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

27/06/2019

1. The Judicial Magistrate has allowed petitioner's application under Section 125 of CrPC awarding monthly maintenance of Rs.800/-. Petitioner's application for enhancement of the amount up to Rs.2,000/- has been rejected by the Additional Sessions Judge.
2. It is argued that the respondent earns atleast Rs.10,000/- per month, therefore, the amount of maintenance should have been Rs.3,000/- per month.
3. It was petitioner's own case that the respondent husband is a Rajmistri, though she could not state or submit any documentary proof as to the daily wages earned by the respondent. She also

failed to submit any proof of availability of any other income yielding property in the name of husband. On the basis of evidence on record, the Trial Court made some guess work and allowed maintenance of Rs.800/- per month.

4. Respondent has not entered appearance in this proceeding despite service of notice, therefore, considering the fact that the impugned order was passed in the year 2013 i.e. before 6 years and for the fact that during this period, the daily wages of a Rajmistri has also increased, ends of justice would be served if the respondent is directed to pay maintenance @ Rs.1500/- per month.
5. Accordingly, the petition under Section 482 of CrPC is allowed directing the respondent to pay monthly maintenance of Rs.1500/- from the month of July, 2019 onwards.

Sd/-
Prashant Kumar Mishra
Judge

Nirala