

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 3 of 2018

1. Smt. Madhavi Yadu W/o Shri Sunil Chandra Yadu Aged About 27 Years D/o Shri Kirtilal Yadu, R/o through Nandu General Stores, Gol Bazar Rajnandgaon, District Rajnandgaon Chhattisgarh.
2. Namya Yadu S/o Sunil Chandra Yadu Aged About 2years 6 Month Through Her Legal Guardian Her Mother Smt. Madhavi Yadu, R/o Through Nandu General Stores, Gol Bazar Rajnandgaon, District Rajnandgaon Chhattisgarh

--- **Petitioners**

Versus

Sunil Chandra Yadu S/o Shri Ramswarup Yadu Aged About 37 Years R/o A-16 Centuri Cement Colony Deendayal Upadhaya Nagar Danganiya Raipur, Tahsil & District Raipur Chhattisgarh at Present Block No. B-5/12, Chouhan Green Vally, In front of Shakracharya College, Khamariya Road Junwali, Bhilai District Durg Chhattisgarh.

--- **Respondent**

For the applicants : Mr. Yogesh Pnadey, Advocate.
For the respondent : Mr. Shivendu Pandya, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.2.2019

1. The present petition is against the grant of meagre interim maintenance to the petitioner No.1 wife and minor child. The court below by order dated 06.07.2017 has granted a total maintenance of Rs.600/- to the petitioners i.e., Rs.300/- each.
2. Learned counsel for the petitioner would submit that the interim maintenance of Rs.300/- each to the petitioner and minor son is too meagre as the documents are on

record to show that the income of respondent is Rs.2,20,000/- per year as per the income tax return thereby the respondent is earning Rs.18,000/- per month. He submits that subject to the final adjudication of the case, the interim maintenance of Rs.300/- each which has been granted be reasonably increased as with such small amounts, the petitioner and child cannot survive and get on their livelihood.

3. Per contra, learned counsel for the respondent opposes the same and submits that the petitioner could have availed remedy of revision and further submits that the respondent has filed an application u/s 9 of the Hindu Marriage Act for restitution of conjugal rights and the petitioner has voluntarily left the house, for which, the husband, respondent herein, cannot be held liable.
4. Perused the order as also the documents and copy of the income tax return which have been filed. The tax return shows the income of the petitioner as Rs.2,20,000/- per annum, therefore, the monthly income of the petitioner approximately comes to Rs.18,000/-.
5. Taking into consideration the present price index which is prevailing in the Society and the fact that in order to maintain the minor son and the petitioner herself, the interim maintenance granted @ Rs.300/- each is meagre with which they were earlier getting on their livelihood, this Court is of the opinion that the interim maintenance of Rs.300/- each is required to be reasonably increased irrespective of other merits of the case. It is directed that the respondent shall pay

Rs.3000/- to the wife and Rs.2500/- to the minor son till the original petition claiming maintenance is decided on merits.

6. Accordingly, this petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**

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