

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**Writ Petition (Art. 227) No.593 of 2018**

Smt. Priya Vyaghrambare W/o Amit Kumar Vyaghrambare, Aged About 37 Years R/o House No. 531, Sector - 1, Deendayal Upadhyay Nagar, Raipur Tehsil And District Raipur Chhattisgarh.

---- **Petitioner**

**Versus**

Amit Kumar Vyaghrambare S/o Shri Vijay Vyaghrambare, Aged About 41 Years R/o House No. 654, Sindhiya Nagar, Tehsil And District Durg Chhattisgarh.

---- **Respondents**

|                |                                                             |
|----------------|-------------------------------------------------------------|
| For Petitioner | : Mr. Anmol Sharma, Advocate.                               |
| For Respondent | : Mr. Anand Shukla, Advocate & Mr. Aditya Tiwari, Advocate. |

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**18.07.2019.**

1. By way of this writ petition, the petitioner seeks enhancement of amount of maintenance granted to her by the learned Family Court.
2. After appreciating the material available on record the learned Family Court granted Rs.5,000/- per month to the petitioner herein as interim maintenance during the pendency of the main application filed under Section 125 of the Cr.P.C.
3. Mr. Anmol Sharma, learned counsel for the petitioner, would submit that in view of decision of the Hon'ble Supreme Court in the matter of **Kalyan Dey Choudhary versus Rita Dey Choudhary Nee Nandy**<sup>1</sup> the petitioner is entitled for one-fourth of the income of her husband which is **48,000/-** per month in the instant case being earned by the respondent, therefore, she is entitled for amount of **Rs.12,000/-** per month as an interim maintenance.
4. Mr. Aditya Tiwari, learned counsel for the respondent, would oppose the submission and submit that apart from maintaining his wife, petitioner herein, is also maintaining his son by giving Rs. 2,000/- per month as

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<sup>1</sup> AIR 2017 SC 2383

maintenance and also maintaining their parents, therefore, the amount granted by the learned Family Court is just and reasonable.

5. I have heard learned counsel for the parties and considered their rival submissions and also went through the records with utmost circumspection.
6. It is not in disputed that respondent is working as IT Engineer in Simplex Engineering Limited, Bhilai and earning Rs.48,000/- per month and he has been directed to pay Rs.5,000/- to her wife as interim maintenance by the impugned order.
7. The Hon'ble Supreme Court in the matter of Kalyan Dey Choudhary (supra) relied upon the earlier decision of Dr. Kulbhushan Kumar Versus Smt. Raj Kumari & Anr<sup>2</sup> in which it has been held held that 25% of the husband's net salary would be just and proper to be awarded for maintenance to the wife.
8. After hearing learned counsel for the parties and considering the principles laid down by the Hon'ble Supreme Court in the aforesaid judgments (supra), I deem it expedient to enhance the interim maintenance to the extent of **Rs.10,000/-** per month to the petitioner/wife in place of Rs.5,000/- per month. The enhanced maintenance will be payable from the date of order ie. 15.05.2018. The arrears of maintenance will be deposited before the concerned learned Family Court within a period of four weeks from today.
9. With the aforesaid observation, the writ petition finally stands disposed of. No order as to cost(s).
10. A copy of this order be sent to the concerned learned Family Court.

**Sd /-**  
**(Sanjay K. Agrawal)**  
Judge