

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Revision No.353 of 2014

Amit Kumar Behera, S/o Shri Victor Behera, age 25 years, R/o Jairam Nagar, Bhanesar Mission, Jaya Hostel, P.S. Masturi, Distt. Bilaspur (C.G.)

---- Applicant

Versus

Smt. Richa Raje, W/o Amit Kumar Behera, age 20 years, R/o B/2, D.A.V. Staff Qr. Basant Vihar, P.S. Sarkanda, Distt. Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Raj Kumar Gupta, Advocate.
For Non-applicant:	Mr. Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/09/2015

1. In an application for maintenance filed by the non-applicant wife, the Family Court finding that relationship of husband & wife between the parties is well established and further finding that the non-applicant is residing separately from the applicant with sufficient cause, proceeded to determine just and fair monthly maintenance and finding that the applicant is earning Rs.2,28,000/- per month from running hostel, the Judge, Family Court, Bilaspur, vide impugned order dated 10-4-2014 passed in Criminal MJC No.621/2012, granted maintenance of Rs.6,000/- per month from the date of order which is sought to be challenged by the applicant husband by way of this revision.
2. Mr. Raj Kumar Gupta, learned counsel for the applicant husband, would submit that the order granting maintenance so far as the

amount of maintenance is concerned, is shockingly high apart from being perverse as income of father and mother of the applicant has been included while computing income, as hostel is run by father of the applicant and the applicant is simply a student, he has no independent source of earning and, therefore, the order granting maintenance deserves to be modified accordingly by reducing maintenance and monthly maintenance should be confined to Rs.4,000/- as by interim order, this Court has granted payment of Rs.4,000/- per month to the non-applicant wife on 13-5-2014.

3. Mr. Dharmesh Shrivastava, learned counsel for the non-applicant wife, would submit that the Family Court has clearly recorded a finding relying upon the affidavit of the applicant that his monthly income is Rs.2,28,000/- and, therefore, the amount of Rs.6,000/- per month granted to the non-applicant is neither perverse nor shockingly high warranting interference by this Court.
4. I have heard learned counsel appearing for the parties, perused the order impugned and record of the Family Court.
5. Relationship of husband & wife between the parties is not in dispute and the non-applicant is residing separately from the applicant with sufficient cause is also not in dispute. The only dispute is quantum of maintenance as it is case of the applicant that he is not earning and is dependent upon his father for his earning and maintenance to the non-applicant wife, whereas case of the non-applicant is that relying upon the statement given by the applicant that he is running hostel known as Jaya Hostel and earning Rs.2,28,000/- per month, the Family Court has granted

monthly maintenance of Rs.6,000/- in her favour. The fact remains that the applicant had made a statement on oath that he is running hostel known as Jaya Hostel and the Family Court has clearly recorded a finding that the applicant is earning Rs.2,28,000/- per month and granted Rs.6,000/- per month to the non-applicant.

6. Taking into consideration the evidence available on record holding that the applicant is running a hostel earning Rs.2,28,000/- per month duly supported by his own statement, considering cost of living, standard of living, price index and needs of the non-applicant, the amount of maintenance of Rs.6,000/- per month cannot be said to be shockingly high warranting interference by this Court. The revision deserves to be and is accordingly, dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge