

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 44 of 2015

C. Ramkumar Nair S/O Shri P. Rajgopal Nair Aged About 45 years R/O LIG 154,
Kabir Nagar, Near Hirapur, Raipur P.S. Amanaka District Raipur C.G.

---- Petitioner

Versus

Smt. S. Raji Nair W/O Shri C. Ramkumar Nair Aged About 40 Years R/O Rewati
Chandrakar Plot No. 1849, Street No. 3, V.V. Vihar Mova, P.S. Mova, Raipur C.G.

---- Respondent

For Petitioner	:	Shri Sunil Pillai, Advocate.
For Respondent	:	Smt. Indira Tripathi, Advocate.

Order On Board

29/06/2015

With the consent of learned counsel appearing for the parties, the matter is heard finally.

This petition is directed against the order dated 19.12.2014 passed by the Family Court by which interim maintenance of Rs.10,000/- per month has been awarded to the respondent -wife.

Learned counsel for the petitioner submits that even if the gross monthly income of the petitioner, for the time being, is presumed to be Rs.5,89,928/-, taking into consideration the normal day-to-day expenses, award of Rs.10,000/- as an interim maintenance to the wife is on exorbitant side. It is submitted that the wife of the petitioner is also engaged in teaching and is earning handsomely.

On the other hand, learned counsel for the respondent-wife submits that the Court below has not committed any illegality or perversity in awarding Rs.10,000/- as monthly maintenance to the wife during the pendency of proceedings. It is submitted that the cost of accommodation, living expenses required at least Rs.10,000/- per month for survival.

At this stage, in the matter of award of maintenance, the Court is only required to examine prima facie material without going into other aspects, which will have to be taken into consideration after evidence led by both the parties. The purpose of granting interim maintenance is to save wife from vagrancy. The gross income of the husband has been

stated to be Rs.5,89, 928/- and thus, Rs.49,135/-, prima facie appears to be the monthly gross income.

Taking into consideration all the relevant aspects including the day-to-day expenses, I deem it expedient that it would be proper to fix Rs.7,500/- as the amount of interim maintenance, per month, during the pendnecy of the case before the Court below.

In that view of the matter, impugned order is interfered with only to the extent that instead of monthly interim maintenance of Rs.10,000/-, the monthly maintenance would be Rs.7,500/-. Direction for payment of other amount shall stand as it is.

The petition is accordingly allowed to the extent and in the manner indicated above.

Sd/-

(Manindra Mohan Shrivastava)

JUDGE