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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.110 of 2015**

Mayank Kaushik, aged about 40 years, S/o Shri Umadatt Kaushik, R/o. 28, New Deluxe Apartment, Sector 9, Rohini, Delhi, Tehsil & District Delhi (Delhi)

---Petitioner

Versus

Avi Gupta, aged about 5 years, D/o Mayank Kaushik, minor through the natural guardian mother Smt.Dr.Manjuri Gupta (Kaushik), R/o P-9, Sector-1, Shankar Nagar, Raipur, Tehsil & District Raipur (CG)

---Respondent

And**Criminal Revision No.268 of 2015**

Avi Gupta D/o Mayank Kaushik, aged about 7 years, minor through natural guardian mother Smt.Manjari Gupta, Resident of P-9, Sector 1, Shankar Nagar, Tehsil and Dist-Raipur (CG)

---Petitioner

Versus

Mayank Kaushik S/o Shri Umadatt Kaushik aged about 42 years, R/o New Deluxe Apartment, Sector 9, Rohini Delhi, Tehsil and Dist.Delhi

---Respondent

For Petitioner	:	Mr. Pawan Kesharwani, Advocate in Cr.R.No.110/2015
For Respondent	:	Mr. Anoop Mazumdar, Advocate in Cr.R.No.110/2015

&

For Petitioner	:	Mr. Anoop Mazumdar, Advocate in Cr.R.No.268/2015
For Respondent	:	Mr.Mr.Pawan Kesharwani, Advocate in Cr.R.No.268/2015

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/09/2015**

1. Ku.Avi Gupta, aged about 7 years, daughter of Mayank Kaushik and Dr.Manjari Gupta (Kaushik), filed an application under Section 125 of the CrPC through her mother for monthly maintenance against his father Mayank Kaushik alleging that on account of dispute between his father and mother, they are

residing separately and she is staying with her mother Smt.Manjari Gupta & unable to maintain herself and therefore, maintenance amount of Rs.1,50,000/- per month be granted to her as she has no source of income to maintain herself.

2. The Family court by its order finding that Ku.Avi Gupta is daughter of Mayank Agrawal out of his marriage with Dr.Manjari Gupta and Ku.Avi Gupta is residing with his mother Dr.Manjari Gupta and further finding that his father Mayank Kaushik is working on the post of Senior Manager in Maruti Suzuki Limited and getting monthly income of Rs.1,21,778.50 after due deduction and Ku. Avi Gupta is minor girl aged about 5 years and granted amount of interim maintenance of Rs.20,000/- per month to Ku.Avi Gupta for her needs towards schooling, medical, food and clothing.

3. Feeling dissatisfied with the said order, father Mayank Kaushik has filed Criminal Revision No.110/2015 for setting aside the order granting interim maintenance and minor Ku.Avi Gupta has also filed Criminal Revision No.268/2015 for enhancement of interim maintenance amount.

4. Since common question of law and fact is involved in both the cases, they are clubbed and heard together.

5. Mr.Pawan Keshwarani, learned counsel appearing for father Mayank Kaushik would submit that order granting interim maintenance to the tune of Rs.20,000/- per month is shockingly high as the income of Mayank Kaushik after deduction is only Rs. 1,21,778.50 and Ku.Avi Gupta is residing with her mother, who is doctor by profession, therefore, order granting interim maintenance be set aside/reduced/modified suitably.

6. Mr.Anoop Mazumdar, learned counsel appearing for minor Ku.Avi Gupta would submit that amount of interim maintenance granted Rs.20,000/- per month is not reasonable and fair amount looking to her need and expenses incurred for her need, schooling, price index and cost of living. He would further

submit that income of Mayank Kaushik is much higher than what has shown and gross salary of Mayank Kaushik is Rs.1,67,310/- per month. He is also having ancestral property and earning huge money, therefore, amount of interim maintenance of Rs.20,000/- per month may be enhanced suitably.

7. I have heard learned counsel for the parties and perused the documents annexed with the revisions.

8. It is not in dispute that Ku.Avi Gupta is daughter of Mayank Kaushik and Dr.Manjari Gupta (Kaushik). It is also not in dispute that she is residing with her mother Dr.Manjari Gupta at Raipur. It is also not in dispute that her father is working on the post of Senior Manager in Maruti Suzuki Limited and his monthly income is Rs.1,21,778.50.

9. The Family Court after taking into consideration the various factors including the financial condition of her mother and need of minor girl child directed payment of Rs.20,000/- per month to Ku.Avi Gupta as an interim maintenance from January, 2015.

10. Taking into consideration the separate living of minor girl child with her mother, her various needs including medical, schooling, food, clothing, standard of living and income of father as Senior Manager, interim maintenance amount of Rs.20,000/- per month is fair and reasonable and meets the need of minor Ku.Avi Gupta, which is neither liable to be reduced nor to be enhanced.

11. Consequently, I do not find any illegality/jurisdictional error in the order impugned passed by the Family Court granting Rs.20,000/- per month to Ku.Avi Gupta as an interim maintenance from January, 2015.

12. For the foregoing reasons, both the revisions are liable to and are accordingly dismissed. It is stated at the bar that father Mayank Kaushik has not deposited the maintenance amount, he is directed to deposit the said amount expeditiously. However, looking to the nature of dispute involved between the

parties, concerned Family Court is directed to conclude the proceeding as early as possible preferably within a period of three months from the date of receipt of certified copy of this order. Interim order stands vacated.

13. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-