

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1012 of 2015

- Sardar Bikram Singh S/o Sardar Mahendar Singh Khnuja Aged About 42 Years (Wrongly Mentioned As Vikram Singh In Cause Title Of Impugned Order) R/o D.S. Vatika, Flat No.103, Khamhardih, Shankarnagar, Thana, Telibandha, Raipur, Chhattisgarh.

---- Petitioner

Versus

- Jasveer Kaur D/o Sardar Jagat Singh Aged About 40 Years R/o Opposite P.G.B.T. College, Tarbahar Chowk, Thana Tarbahar, Tahsil & Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner : Shri Alok Bakshi, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

30/11/2015

Challenge in the present revision is to the order dated 6.11.2015 passed by Family Court, Bilaspur in Misc. Criminal Case No.185/13 directing the applicant to pay Rs.12,500/- p.m. as interim maintenance to the non-applicant.

02. Counsel for the applicant submits that the non-applicant has filed an application under Section 125 CrPC after about 12 years and when she can survive for about 12 years, there was no need for the Court below to direct for payment of any interim maintenance. It has been argued that the decree of divorce has already been passed on 14.11.2014. In the divorce proceedings the non-applicant filed an application seeking maintenance of Rs.25,000/- p.m. which was rejected by the Court below and the appeal against the said order was also dismissed. He submits that monthly income of the applicant is not as such where he can afford to pay this huge amount. The non-applicant is living separately of her own without any sufficient reason and as such, she is not entitled for any maintenance.

03. Heard counsel for the applicant and perused the material on record.

04. From the documents it appears that when the matter related to grant of maintenance in the divorce proceedings had travelled to the Supreme Court under Section 24 of Hindu Marriage Act the Supreme Court found it proper to grant Rs.25,000/- per month. Relationship between the applicant and the non-applicant is not disputed. Considering the income of the applicant the Court below has directed to pay Rs.12,500/- p.m., as interim maintenance to the non-applicant, which appears to be just and proper in view of the valuation of money and hike in prices at the present time. Moreover, it is merely an interim maintenance subject to final outcome of the case. I find no reason to interfere with the order impugned. The revision being without any substance is liable to be dismissed and is, accordingly, dismissed. However, the Family Court to expedite the proceedings of the main case.

Sd/

(Pritinker Diwaker)

Judge

Khan