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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 386 OF 2015**

Sushil Chandra Sen, S/o Late Vinod Bihari Sen aged 51 year, working as Manager, Satellite Branch, L.I.C. Dalli Rajhara Road, Bhanupratappur, Police Station and Tahsil Bhanupratappur Civil & Revenue District Kanker (C.G.)

---Applicant**Versus**

Vishakha Sen D/o Sushil Chandra Sen Aged about 20 years, R/o Nehruward Sattipara, Ambikapur, Police Station & Tahsil, Ambikapur, Civil & Revenue District Sarguja (C.G.)

---Non-applicant

For Applicant	:	Mr. Sandeep Dubey, Advocate
For Non-applicant	:	Mr. Shakti Raj Sinha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/07/2015**

1. In an application for maintenance filed by non-applicant against applicant (Uncle), the Family Court by its impugned order dated 24/04/2015 finding that *prima facie* applicant has adopted the non-applicant as a daughter and further finding his monthly income to be Rs.74,414/- as he is working in the Life Insurance Corporation of India, granted Rs.5,500/- per month as an interim maintenance.

2. Mr. Sandeep Dubey, learned counsel appearing for the applicant while questioning the order would vehemently submit that adoption deed is in teeth of Section 9 of the Hindu Adoption and Maintenance Act, 1956 as there is no consent of mother in the adoption deed, therefore, the order of interim maintenance be set aside, which Mr. Shakti Raj Sinha, learned counsel appearing for the non-applicant opposed vehemently and submit that

applicant is free to establish his defence during the course of final maintenance proceeding.

3. After hearing learned counsel appearing for the parties and on perusal of the record, I am of the considered opinion that the question as to legality and validity of the adoption deed cannot be decided at this stage as that will prejudice the right of the applicant and the applicant is free to establish his defence during the course of maintenance proceeding. However, taking into account the need of the non-applicant as she is studying in the Mets University in B.A.LL.B. course, Rs.5,500/- monthly interim maintenance is just and proper. However, Family Court is directed to conclude the maintenance proceeding within four month from the date of receipt and/or production of certified copy of this order.

4. With the aforesaid observation, the criminal revision stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari