

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.278 of 2015

Bramhanand Anant, aged about 36 Year, S/o Cheduram Anant, R/o Vill. Beltukri, Post-Kishora, P.S.-Baloda, Tah.-Janjgir, Civil and Revenue District Janjgir (CG) At present R/o Through Shashi Shekhar Sharma Darripara, in front of District Hospital Ambikapur, P.S. and Tah.-Ambikapur, Civil and Revenue District –Sarguja (CG)

---Petitioner

Versus

Smt.Vidhyanand Anant, aged about 32 years, W/o Bramahanand Anant, R/o Vill.-Gadola, Civil and Revenue, Dist.Janjgir (CG) At present R/o Through-Father Mr.Shyam Ji Tandey, 482/A, Priyadarshani Nagar, Raipur, P.S. Rajendra Nagar, Civil and Revenue District Raipur (CG)

---Respondent

For Petitioner	:	Mr.Rakesh Thakur, Advocate.
For Respondent	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/08/2015

1. The Principal Judge, Family Court, Raipur in an application for maintenance filed by the non-applicant under Section 125 of the Cr.P.C. finding that the non-applicant is wife of the present applicant and unable to maintain herself and the applicant is working as Overman in the SECL and getting basic pay of Rs.22,728/- along with dearness allowance and other allowances and granted Rs.10,000/- per month as interim maintenance to the non-applicant in M.J.C.No.469/14, which is sought to be challenged by the present applicant in this criminal revision.

2. Learned counsel for the applicant would submit that the applicant is getting basic pay of Rs.22,728/- along with dearness allowance and other allowances and the Family Court has awarded Rs.10,000/- per month as interim maintenance, which is on higher side.

3. Certificate produced by the applicant demonstrates that Rs.22,728/- is basic pay of the applicant on the post of Overman, which is not actual salary. It is common knowledge that pay is always inclusive of the basic pay, dearness allowance and other allowances, which the applicant has not disclosed. The Family Court taking cognizance of the other allowances including dearness and other allowances has held that the applicant is getting Rs.40,000/- per month and awarded Rs.10,000/- per month to the non-applicant as interim maintenance.

4. I do not find any illegality in the impugned order warranting interference by this Court in its revisional jurisdiction in the said finding recorded by the Family Court as amount awarded is reasonable.

5. The criminal revision deserves to be and is accordingly dismissed at the admission stage itself.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-