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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 521 OF 2015**

1. Smt. Sweta Kedia, aged about 34 years, wife of Shri Pravin Kumar Kedia, daughter of Shri A.K. Goenka.

2. Kinshuk Kedia, aged about 7 years, son of Shri Pravin Kumar Kedia, Through-Smt. Sweta kedia

Both resident of C/o A.K. Goenka, 275, Samta Colony, Raipur (C.G.)

---Applicants**Versus**

Shri Pravin Kumar kedia, aged about 37 years, son of Shri Kailashnath Kedia

Residence Address- B-801, Sai Simran Co-operative Housing Society Limited, Near Metal Box, Deonar Village Road, Deonar, Mumbai (Maharastra), Pin code-400088.

Office Address- Senior Big Data & Information Architect IBM India Pvt. Ltd., 4th Floor I.L. & F.S. Financial Centre, Plot C-22, Bandra Kurla Complex, Bandra (West), Mumbai (Maharastra), Pin Code- 110051.

----Non-applicant

For Applicants	: Mr. Ankur Agrawal, Advocate
For Non-applicant	: Mr. Shivendu Pandya, Advocate

AND**Criminal Revision No. 623 OF 2015**

Pravin Kumar Kedia S/o Shri Kailashnath Kedia, aged about 37 years, R/o-V-801, Sai Simran, Co-operative Housing Society Limited, Near Metal Box, Devnar, Mumbai (Maharashtra)

Address of Office- Senior Big Data and Information Architect

I.B.M. India Pvt. Ltd., 4th Floor, I.L. And F.S. Financial Center,
Plot C-22, Bandra-Kurla Complex, Bandra West, Mumbai
(Maharashtra)- 110051

---Applicant

Versus

1. Smt. Sweta kedia, W/o Shri Pravin Kumar Kedia, aged about 37 years, D/o A.K. Goenka,
2. Kinshuk Kedia S/o Shri Pravin Kuamr Kedia, aged about 07 years

(Non Applicant No. 2 being minor on behalf of through his legal guardian mother Smt. Sweta Kedia, Non-Applicant No. 1)

Both R/o Through Shri A.K. Goenka, 275, Samta Colony, Raipur,
District Raipur (C.G.)

----Non-applicants

For Applicant	: Mr. Shivendu Pandya, Advocate
For Non-applicants	: Mr. Ankur Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/10/2015

1. With the consent of learned counsel for the parties, the matter is heard finally.
2. Applicant No. 1-Smt. Sweta Kedia wife of non-applicant herein and applicant No. 2-Kinshuk Kedia son of applicant No. 1 & non-applicant filed an application under Section 125 of the Cr.P.C. before the Family Court, Raipur for grant of maintenance stating *inter alia* that she is duly wedded wife of the non-applicant and

applicant No. 2 is their son and she is residing separately on account of sufficient cause, as such, they are unable to maintain themselves, therefore, reasonable amount of maintenance be granted. During pendency of such application, applicant No.1/wife has also filed an application for interim maintenance. In the said application, she pleaded that she has no source of income and non-applicant/husband is working as Senior Big Data & Information Architect in the IBM India Pvt. Ltd. Company, earning Rs.2,50,000/- per month, therefore, a compensation of Rs.50,000/- per month be granted to each of the applicants. The said application was duly opposed by the non-applicant/husband filing a reply that the applicant No.1 is working woman and earning member, as such, applicants are not entitled for any maintenance.

3. The Family Court by its impugned order dated 26/06/2015, partly granted application holding that the applicant No.1/wife is not entitled for any interim maintenance as she is earning member and has sufficient means to maintain herself and granted Rs.15,000/- per month to the applicant No.2/son as an interim maintenance.

4. Feeling aggrieved against that order, applicants have filed Criminal Revision No.521/2015 for seeking enhancement in interim maintenance as well as interim maintenance of applicant No. 1, *whereas* non-applicant has filed Criminal Revision

No.623/2015 stating that the applicant No.2 is also not entitled for any maintenance.

5. Mr. Ankur Agrawal, learned counsel appearing for the applicants/wife and son would submit that learned Family Court has committed illegality in not granting the maintenance to the applicant No.1/wife holding that she is working woman having sufficient means to maintain herself, as such, the finding recorded is perverse and contrary to the record. He would further submit that amount of interim maintenance of Rs.15,000/- per month granted to the applicant No.2/son is on the lower side as he is studying in Class-II at Rajkumar Collage, Raipur and his yearly fees is Rs.1,43,000/-, therefore, looking to his fee towards boarding, other educational expences and various other needs, the interim maintenance deserves to be enhanced.

6. Mr. Shivendu Pandya, learned counsel appearing for the non-applicant/husband would submit that the amount of interim maintenance granted to the applicant No.2/son deserves to be set aside as her mother with whom he is living has huge income, which is apparent from the Income Tax Return filed by her, therefore, applicant No.2/son is not entitled for any maintenance. He would lastly submit that applicant No.1/wife is working woman is also not entitled for any maintenance.

7. I have heard learned counsel appearing for the parties

and paid thoughtful consideration to their rival submissions made therein.

8. The relationship between applicant No.1 and non-applicant as husband and wife is not in dispute. It is also not in dispute that out of their wedlock, applicant No. 2 is born. The final maintenance proceeding is pending consideration, in which, evidence has already begun.

9. The Family Court upon consideration has found that the applicant No.1/wife is a working woman having sufficient means to maintain herself, therefore, declined to grant interim maintenance.

10. After hearing learned counsel appearing for the parties, and looking to the order rejecting interim maintenance, I do not find any illegality and perversity in the said order warranting interference in the revisional jurisdiction (**See. 2015 AIR SCW 4976 'Chandra Babu alias Moses v. State, Through Inspector of Police & others'**).

11. So far as interim maintenance awarded to applicant No.2/son is concerned, the amount of Rs.15,000/- per month was granted by the Family Court, *whereas* it is stated that he is studying in Class-II at Rajkumar Collage, Raipur which is boarding school and his yearly fees is Rs.1,43,000/-, and the fact that applicant No.1/wife is unable to fulfill the needs of applicant

No.2/son regarding other needs for food, clothing and schooling etc., the interim maintenance amount is only Rs.15,000/- per month, therefore, considering the need of applicant No. 2 the amount of interim maintenance is enhanced to Rs.20,000/- per month from the order dated 26/06/2015. The non-applicant/husband is directed to deposit the balance amount within a period of two weeks from today.

12. However, the Family Court is directed to conclude the maintenance proceeding finally within a period of three months from the date of receipt and/or production of certified copy of this order.

13. With the aforesaid direction, both the criminal revisions (Criminal Revision Nos. 521/2015 & 623/2015) stand finally disposed off.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari