

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 284 of 2016**

Uday Singh S/o Harbhajan Singh Aged About 38 Years Leth
Machine Workshop, R/o Sales Tax Colony, District Gondia,
Maharashtra

---- Applicant**Versus**

1. Smt. Kulvinder Kaur W/o Uday Aged About 33 Years R/o Ward No. 19, Manendragarh, Tehsil Manendragarh, District Korea Chhattisgarh
2. Harmeet Kaur D/o Uday Singh Aged About 4 Years Through Mother Smt. Kulvinder Kaur R/o Ward No. 19, Manendragarh, Tehsil Manendragarh, District Korea Chhattisgarh

---- Respondents

For Applicant:

Mr. Rajeev Bharat, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13.05.2016**

1. The present Revision has been preferred under Section 19(4) of the Family Court Act challenging the order dated 01.01.2016 passed by the Family Court, Manendragarh, District – Korea in MJC No. 173/13 whereby the application for grant of interim maintenance to the Respondents No 1 & 2 has been allowed.
2. Vide the impugned order the Court below has ordered interim maintenance of Rs. 2000/- p.m. to Respondent No.1 and Rs. 1500/- to Respondent No.2.
3. Learned Counsel for the Applicant submits that the present Applicant in fact has challenged the paternity of Respondent No.2.

Further, he submits that the Court below has not appreciated the income of the present Applicant properly and only on assumption and presumption has inferred that the Applicant earns salary of Rs. 50,000/- p.m. and on the basis of same has awarded payment of Rs. 3500/- p.m. to the Respondents, therefore he prays for recalling of the said order.

4. Taking into consideration the total facts and circumstances of the case, particularly taking note of the fact that the impugned order is of interim in nature and final adjudication of case is yet to be done wherein the Applicant would have all the opportunities of leading the evidence in respect of specific allegation and averments made against Respondent. It is only thereafter that it would be decided by the Court below about the final maintenance payable to the Respondents or whether they would not be entitled for any amount. In the opinion of this Court on the given material facts on record, the Court below does not seem to have committed any illegality or infirmity in passing the impugned order.

5. For the said reasons, the Revision being devoid of merit deserves to be and is accordingly dismissed.

6. However, it is expected that taking into consideration the facts that the matter is of the year 2013 the Court below shall decide the matter as early as possible.

Sd/-

(P. Sam Koshy)
JUDGE