

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 383 of 2016**

Amit Jalan S/O Gopal Prasad Jalan Aged About 33 Years Office Axis Bank, J.M. Shopping Mall, Opposite Donmajur, In Front Of Bus Stand, District Havda Pin Code 711405, 27 Abahoy Guha Road, 2nd Floor Room No. -205 Near Post Office Liluaah, District Havda Pin Code -711404.

----Applicant

Versus

Rita Jalan W/O Amit Jalan Aged About 36 Years R/O Sitaram Kanodi, E-80, Kamal Kunj, Samta Colony, Raipur Chhattisgarh.

-----Non-Applicant

For Applicant:	Shri Vikram Singh, Advocate.
For Respondent:	None.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

29.4.2016

1. Challenge in the present Revision is to the order dated 11.3.2016 passed by the Principal Judge, Family Court, Raipur in M.J.C No.145/2015 whereby the Family Court has allowed the application for interim maintenance filed by the Non-Applicant and ordered for payment of Rs.10,000/- per month as interim maintenance.

2. Learned Counsel for the Applicant submits that the Applicant in the instant case draws a salary of Rs.31-32,000 and out of which, payment of Rs.10,000/- would be exorbitant and that he would find it difficult to sustain himself. He further submits that the Applicant has also the liability of his aged mother to be taken care of and therefore, the interim maintenance awarded by the Court below deserves to be reduced.

3. Having considered the submissions of Learned Counsel for the

Applicant and also on perusal of record, what appears is the fact that the Court below has taken note of the fact that the take home salary of the Applicant is around Rs.31,000/- and therefore the Court had awarded an amount of Rs.10,000/- as interim maintenance towards the Non-Applicant. Further considering the fact that it is only interim maintenance which has been awarded and the Applicant will have to substantiate his case before the Court below showing his liabilities and other grounds regarding entitlement of maintenance to the Respondent. He would also get the chance to lead evidence regarding the source of income of the Respondent, if any while deciding the application under Section 125 Cr.P.C. Thus, in the opinion of this Court, there is no illegality or infirmity in the finding of the Court below calling for any interference.

4. In view of the above, the instant Revision being devoid of merits, is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE