

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 815 of 2016**

- Yogesh Chandrakar S/o Ashok Chandrakar Aged About 35 Years R/o Village - Umarda, Police Station & Post Office- Kurud, Tahsil & District- Dhamtari Chhattisgarh

---- Applicant**Versus**

- Smt. Goshrani @ Gunjan Chandrakar W/o Yogesh Chandrakar Aged About 26 Years R/o Village- Bhilai, Post Office- Gabdi, Police Station- Arjunda, Tahsil & District- Balod (Chhattisgarh) Present Address - R/o - Rajendra Prasad Chowk, Kohka, Bhilai, District- Durg Chhattisgarh (Applicant)

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****02/09/2016**

1. The present Criminal Revision has been preferred by the Applicant being aggrieved with the impugned order dated 13.04.2016 passed by the First Additional Sessions Principal Judge, Family Court, District - Durg in Case No. 404/2015 whereby in an application under Section 125 of the Cr.P.C. preferred by the Non-applicant while considering the application for interim maintenance has allowed and has awarded Rs. 5000/- as interim maintenance in favour of Respondent.
2. According to the Counsel for the Applicant this grant of interim

maintenance under Section 125 CrPC is bad in law for the reason that the Applicant is already paying Rs. 13900/- per month to the Non-applicant under different provisions of law i.e. Rs. 6000/- under the provisions of Domestic Violence Act, 2005 and Rs. 7900/- under the provisions of Section 24 of the Hindu Marriage Act, 1955 and if we add the total maintenance amount payable to the Non-applicant it would now be somewhere around Rs. 19000/- per month which is beyond the paying capacity of the Applicant and therefore prays for quashment of the impugned order.

3. True it is that the Applicant has got two other orders granting maintenance to the Non-applicant but the fact still remains is that the present is an interim order and that the application and submissions put forth by the Applicant and Non-applicant are yet to be considered by the Court below on merits and therefore in the opinion of this Court it would be in the interest of justice if the matter is disposed off with a direction to the Court below to try to expeditiously conclude the proceedings as early as possible and also shall bear in mind the maintenance amount already being paid by the Applicant under different provisions of law to the Respondent.
4. Without expressing anything on merit in the matter, with the aforesaid observation the present Revision Petition stands disposed of.

Sd/-

**(P. Sam Koshy)
JUDGE**