

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 971 of 2016

- Chandra Kumar Tondre S/o Shri Lakhan Lal Tondre Aged About 31 Years R/o Village Charbhantha, Tahsil/ District Bemetara, Chhattisgarh.

---- Applicant

Versus

1. Smt. Sarswati Tondre W/o Chandra Kumar Tondre Aged About 30 Years R/o Dr. Rajendra Nagar Ward No.28, B.B. Colony, Khurshipar Gate, Bhilai Nagar, Tahsil/ District Durg, Chhattisgarh.
2. Ku. Bhawna Tondre D/o Chandra Kumar Tondre Aged About 8 Years Minor Through Guardian Mother Smt. Sarswati Tondre, R/o Dr. Rajendra Nagar Ward No. 28, B.B.Colony, Khurshipar Gate, Bhilai Nagar, Tahsil/ District Durg, Chhattisgarh.
3. Ku. Aditi D/o Chandra Kumar Tondre Aged About 6 Years Minor Through Guardian Mother Smt. Sarswati Tondre, R/o Dr. Rajendra Nagar Ward No. 28, B.B.Colony, Khurshipar Gate, Bhilai, Nagar, Tahsil/ District Durg, Chhattisgarh.

---- Respondents

For Applicant : Mr. Samir Singh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/10/2016

Heard on application for condonation of delay in filing the revision petition.

Upon due consideration, the same is allowed. Delay is condoned.

Also heard on admission.

1. The petition has been filed by the petitioner challenging order dated 07.05.2016, by which the Magistrate has awarded interim maintenance of Rs.1,000/- to the wife and Rs.1,000/- each to two minor daughters.
2. Learned counsel for the applicant submits that learned Magistrate has wrongly awarded the interim maintenance ignoring the fact that the applicant is only a labour and his source of income is meager. Respondent – wife is working as a Government servant and therefore, she is quite able to maintain her daughters, even then the Magistrate has awarded maintenance.

3. A perusal of impugned order shows that the application for grant of maintenance has been filed alleging that she was being subjected to physical and mental cruelty and after having deserted, the non-applicant has contacted another marriage. It has been stated that the respondent is having 17 acres of land and a Tractor from which he earns 1,60,000/- per year. It is further submitted that earlier when the claim was made by the wife, the husband had agreed to pay Rs. 5,00,000/- as maintenance. But, as the compromise was not acted upon, wife had to move application.
4. Considering the aforesaid material placed before the Magistrate based on the affidavit filed by the respondent – wife and the amount awarded, I do not find any ground to interfere with the impugned order.
5. The revision petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge