

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1045 of 2015

- Aruna Dhiwar W/o Aniruddha Dhiwar Aged About 24 Years C/o Father Santosh Kumar Dhiwar, Gandhi Nagar, Ratanpur, Distt. Bilaspur, Chhattisgarh.

---- Applicant

Versus

- Aniruddha Dhiwar S/o Bisahu Ram Aged About 36 Years R/o Village Karra (Gudi), Seepat, P.S. Seepat, Distt. Bilaspur, Chhattisgarh.

---- Non-applicant

For applicant : Shri VK Sahu, Advocate.
For Respondent : Shri Preetam Tiwari, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

22/01/2016

With the consent of the parties, the matter is heard finally.

02. By the order impugned dated 15.10.2015 passed in Misc. Criminal Case No.383/15, the Family Court, Bilaspur has refused to grant interim maintenance to the applicant/wife.

03. Counsel for the applicant submits that the non-applicant is working as a teacher and is drawing salary of Rs.15,000/- per month and this apart, his agricultural income is Rs.10,000/- per month. He submits that the Court below has erred in law in not granting any maintenance to the applicant.

04. Counsel for the non-applicant submits that the non-applicant has no agricultural income, parents of the non-applicant are also dependent on him and therefore, it is very difficult for him to pay any interim maintenance. He submits that ultimately whatever final order is passed in the petition under Section 125 of Cr.P.C. he would comply with the same.

05. The law provides for grant of interim maintenance, if any such application

is filed, during pendency of the proceedings under Section 125 Cr.P.C. Interim maintenance is subject to final adjudication on the main petition and also can be revised. In the present case, the reason assigned by the Court below for refusing to grant interim maintenance to the applicant/wife that she filed the application for grant of interim maintenance after 3 ½ years of her separate living, is not a sufficient ground to reject her application.

06. Thus, considering the facts and circumstances of the case, the order impugned is set aside. The non-applicant is directed to pay interim maintenance @ Rs.2,500/- per month to the applicant from the date of application till final disposal of the main petition. The revision is allowed in part.

Sd/

(Pritinker Diwaker)

Judge

Khan