

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1073 of 2015**

1. Ankur Holkar, S/o Girish Holkar, aged about 31 years, R/o Vaishali Nagar, Q.No. 92, P.S. Kamla Nagar, Bhopal Distt. Bhopal (MP) at present R/o 59/1, Malviya Nagar, P.S. Vijay N "Jagar, Indore, Distt. Indore (MP).

---- Revisioner (Non-applicant)**Versus**

1. Smt. Prajkta Holkar, W/o Ankur Holkar, aged about 30 years, Occupation Service.
2. Sparsh Holkar, S/o Ankur Holkar, aged about 21 Months, Minor through natural guardian mother-Smt. Prajkta Holkar W/o Ankur Holkar,

Both R/o Shanti Nagar, Road No. 27, House No. 1347, Supela, Bhilai, Durg, Distt. Durg (CG).

---- Respondents/Applicants

For Revisioner:	Shri F.S. Khare, Advocate.
For Respondents:	Shri Rahul Tamaskar, Advocate

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****12/01/2016**

1. With the consent of the parties, the revision is heard finally. (Parties shall hereinafter be referred to as per their description before the Family Court.)
2. Challenge in this revision is to the order dated 28.10.2015 passed by the 1st Additional Principal Judge, Family Court, Durg in Cri. Misc. Judicial Case No.282/15 partly allowing the application filed by the applicants for grant of interim maintenance and directing the non-applicant to pay Rs.25,000/- per month as interim maintenance to them.
3. Brief facts of the case are that the applicants have filed an application under Section 125 of Cr.P.C. before the Court below seeking maintenance of Rs.50,000/- per month from the non-applicant. Along with this application, the applicants have also filed an application for grant of interim maintenance contending, inter alia, that she married the non-applicant on 29.11.2009 at Bhilai and out of their wedlock, applicant No.2 has born. Prior to marriage the non-applicant was working in Saudi Arabia. It has been further stated

that after the marriage, the non-applicant used to torture her physically & mentally in connection with demand of dowry and ultimately, he had thrown them out from the house. It has further been stated in the application that the applicant No.2 is suffering from cancer and financial condition of applicant No.1 is not as such where she can maintain herself & her ailing son, whereas the applicant-husband is an Engineer and presently earns about Rs.2 Lac per month. Therefore, the applicants are entitled to receive interim maintenance @ Rs.30,000/- per month from the non-applicant.

4. The non-applicant filed reply to the said application disputing all the averments pertaining to demand of dowry etc. It has been stated in the reply that without any sufficient reason the applicant-wife is residing separately and as such she is not entitled for any maintenance.
5. Counsel for the non-applicant husband submits that the interim maintenance awarded by the Court below in favour of the applicants is on the higher side. He further submits that the applicant No.1 is an Engineer and thus it cannot be said that she is not in a position to maintain herself. He further submits that presently the non-applicant is getting Rs.15,000/- per month as salary and therefore it is difficult for him to pay the maintenance amount. Lastly, he submits that the applicant No.1 has left the company of the non-applicant voluntarily without there being any sufficient reason and for that also she is not entitled to receive any maintenance from him.
6. On the other hand, counsel for non-applicants supports the impugned order.
7. The Court below considering all the relevant aspects of matter including financial status of non-applicant, which is apparent from the fact that at the relevant time he was working in Saudi Arabia and drawing salary of Rs.2,00,000/- p.m., and that non-applicant No.2-son is suffering from the disease like Cancer, has directed him to pay Rs.10,000+15,000/- = Rs.25,000/- p.m. as interim maintenance to the applicants, which appears to be just & proper and cannot be termed as excessive or unreasonable.
8. Consequently, I do not find any reason to interfere with the order impugned. The revision being without any substance is liable to be dismissed and is, accordingly, dismissed.

Sd/-
(Pritinker Diwaker)
Judge