

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 862 OF 2016

Dhanunjay Kshatriya S/o Shri Janumani Kshatriya, aged about 35 years,
R/o Kundrapara, Madhupille Chowk, New Shanti Nagar, Tahsil & District
Raipur (C.G.)

... Applicant

Versus

Smt. Renu Kshatriya, W/o Shri Dhanunjay Kshatriya, aged about 19 years,
occupation : House Wife, R/o through Shri Panchu Soni, in front of Ajay
Footwear, Mati Mohalla, new Shanti Nagar (C.G.)

... Respondent

For Applicant : Mr. Gonvind Dewangan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/09/2016

1. The present revision petition under Section 19(4) of the Family Court Act, 1984 has been preferred by the Applicant (husband) assailing the order dated 27.7.2016 passed by the First Additional Principal Judge, Family Court, Raipur in Criminal Case No. 604 of 2015. By way of the said impugned order, the Family Court has in a proceeding under Section 125 of CrPC granted interim maintenance of an amount of Rs.3000/- per month to the Respondent (wife) till final disposal of the main application under Section 125 of CrPC.

2. Assailing the said impugned interim order, learned Counsel for the Applicant submits that the Court below has failed to appreciate the fact that the income of the Applicant was not Rs.15000/- per month as has been stated by the Respondent but in fact he is in private employment and his salary is less than Rs.5000/- per month and therefore he does not have the paying capacity to pay Rs.3000/- per month as maintenance to the Respondent. Learned Counsel further submits that the Court below has not appreciated the reply that the Applicant has filed denying the facts and

submissions made by the Respondent before the Court below while considering the interim prayer.

3. Having heard the learned Counsel for the Applicant and on perusal of the impugned order what clearly reflects is that the said impugned order is only interim in nature and the final order on merits is yet to be passed. Further, that the contentions put forth by the Counsel for the Applicant are matters which have to be thrashed out by leading cogent evidence by either side. So far as the quantum of Rs.3000/- per month awarded as an interim maintenance being on the higher side is concerned, this Court is of the opinion that if we distribute it into 30 days it comes to only Rs.100/- per day and which is not an exorbitant amount as it is any body's guess that in todays cost of living with Rs.100/- would barely be able to sustain a decent life with the minimum requirement for a day. All the other contentions raised are all matters of evidence.

4. Accordingly, this Court is of the opinion that there is no strong case made out calling for an interference with the impugned interim order. However, it is expected that the Court below shall try to decide the matter as expeditiously as possible taking into consideration the submissions put forth by the Counsel for the Applicant as his defence and also it is expected that the Applicant shall also cooperate for the early disposal of the case.

5. With these observations, the criminal revision stands dismissed.

Sd/-
(P. Sam Koshy)
Judge