

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 107 OF 2016

Shailesh Nirmalkar S/o Netram Nirmalkar, aged about 30 years, R/o Ama Talab Road, Gauravpath, Dhamtari, District- Dhamtari (C.G.)

... Petitioner

Versus

Smt. Bhuvneshwari Nirmalkar, W/o Shailesh Nirmalkar, aged about 27 years, D/o Shri Kangaluram Bareth, presently residing at Plot No. 38, Kabir Chowk, Gauravpath Road, Raigarh, District- Raigarh (C.G.)

... Respondents

For Petitioner	:	Mr. Chandresh Shrivastava, Advocate.
For Respondents	:	Mr. Wasim Miyan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/05/2016

1. By way of the present criminal revision, the Petitioner has challenged the order dated 26.11.2015 passed by the Family Court, Raigarh in Criminal M.J.C. No. F-87/2015, allowing the interim maintenance of Rs.3000/- per month in favour of the Respondent.

2. Counsel for the Petitioner submits that the present is a case where the Petitioner has lost his source of income on account of the fact that the Respondent has filed a case against him under Section 498-A IPC and the Petitioner was also arrested on account of which he has lost his earlier employment and at present he is totally unemployed and is not in a position to maintain the Respondent or grant her maintenance because of his unemployment that too at the behest of the Respondent and therefore prays for quashing of the impugned order dated 26.11.2015.

3. Counsel for the Respondent however opposes the petition and submits that the present is a case where the Petitioner is a Computer Engineer by profession and that he was working with Infosys and was

drawing a good salary of Rs.60,000/- per month and therefore he is in a position to pay the maintenance part as awarded by the Court below. He further submits that in any case it is an order only for interim maintenance which has been granted by the Court below and ultimately the matter has to be adjudicated upon after the evidence of either side is recorded and therefore prays for the rejection of the revision petition.

4. Considering the total facts and circumstances of the case particularly the qualification of the Petitioner who admittedly is a Computer Engineer, the amount of Rs. 3000/- which has been granted in favour of the Respondent as monthly interim maintenance which is only about Rs.100/- per day, this Court is of the opinion that the interim maintenance awarded by the Court below cannot be said to be either exorbitant or the order being without any basis calling for any interference.

5. For the said reasons, the criminal revision sans merit and is dismissed. However, it is expected that the Court below shall proceed and decide the matter as expeditiously as possible.

Sd/-
(P. Sam Koshy)
Judge