

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 215 of 2016

1. Smt. Anjana Garg W/o : Shri Manoj Garg, D/o Shri Munna Lal Agrawal, Aged About 36 Years
2. Minor Ku. Pragati Garg, D/o Shri Manoj Garg, Aged About 16 Years,
3. Minor Ku. Shivani Garg D/o Shri Manoj Garg, Aged About 13 Years,
4. Minor Harsh Garg S/o Shri Manoj Garg Aged About 10 Years

Applicants No. 2 to 4 are impleated through their natural guardian/Mopther Smt. Anjana Garg,

All R/o C/o : Kanha Furniture, Beside Kashi Adhyatm Pith, Raipura Chowk, Raipur, Tah. & Distt. Raipur Chhattisgarh

----Applicants

Versus

- Shri Manoj Garg S/o : Late Ram Datt Garg Aged About 40 Years, R/o : Vimala Bangle Store's, Gali No. 3, Durga Nagar, Firozabad (U.P.)

---- Respondent

For Petitioners : Shri Amiyakant Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board By

08/07/2016

1. Challenge through the present Criminal Revision is to the order dated 10/12/2015 passed by the Family Court, Raigarh in Miscellaneous Case No. 649/2014, whereby the Court below has awarded an amount of Rs.8000/- to the applicants, who are the wife, minor daughters and son of the non-applicant.
2. Vide the said impugned order the Court below while entertaining petition under Section 125 of the Cr.P.C. have allowed the application for grant of interim relief to the present applicants to the tune of Rs. 8000/- per month granting Rs. 2000/- each to all the four applicants as interim maintenance.

Learned counsel for the applicants submits that the amount of Rs.8000/- awarded by the Court below is on the lower side and taking into consideration the fact that non-applicant is a wholesale businessman of bangle and his monthly income of Rs. 5 Lacs.

3. Learned counsel for the applicants submits that taken into fact and consideration the cost of living and education expenses of the present applicants which have to incurred in the education to the applicants No. 2 to 4 the amount of Rs.2000/- each is not sufficient and therefore prayed for enhancement of the interim amount.
4. Having considered the total facts and circumstances of the case what is to be taken a note of is the fact that it was only an order of interim maintenance which has been awarded by the Court below at the stage of consideration of the interim application substantial evidence to show the actual source of income is not there it is only on the basis of averments and its counter submitted by either side which has been taken not of. The Court has already proceeded to decide the matter on evidence for arrear on record of evidence and there is all likelihood of an early disposal of the main case itself.
5. In the opinion of this Court at this juncture it would not be proper for calling for the records and for appreciation of the averments and contention made by either side for deciding the present revision petition when the entire case is about to be decided on its merits by the Court below. In the absence of any concrete evidence so far as the actual source of income of the non-applicant has been concerned, in the opinion of this Court no strong case is made out calling for interference with the impugned order and the revision petition deserves to be and is accordingly rejected. However, it is expected that since the maintenance petition itself is pending since 2014 the Court below shall make all endeavour for early disposal of the same, so far as the non-compliance on the part of the non-applicant has been even to the

interim award granted it is observed that the applicants would have all remedies open to them under the law for getting the interim award executed.

6. With the aforesaid observation, the criminal revision is dismissed.

Sd/-

(P. Sam Koshy)
Judge

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