

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 660 of 2016

- Ishwar Lal Dupare, S/o Late Tukaram Dupare, Aged About 70 Years, R/o Village Paragaon, Tahsil & Police Station Aarang, Civil & Revenue District Raipur Chhattisgarh

---- Applicant

Versus

- Smt. Anuradha Dupare, W/o Ishwarlal Dupare, Aged About 62 Years, R/o Kundrapara, Sukrawari Bazar Gudhiyari, Police Station Gudhiyari, Civil & Revenue District Raipur Chhattisgarh

---- Respondent

For Applicant :

Shri C.R. Sahu, Advocate

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

19/07/2016

1. The present petition has been preferred against the order dated 15/06/2016, whereby the II Additional Principal Judge, Family Court, Raipur has passed an order on 15/06/2016 directing for payment of maintenance amount to the respondent-wife as also for calculating the arrears of payment which is to be paid to the respondent-wife by virtue of the order which has already been passed against the present applicant.
2. Counsel for the applicant submits that the present applicant does not have sufficient source of income for recovery of arrears of maintenance in one installment, he further submits that the Court below has not appreciated the fact that the respondent-wife has been provided agricultural land and she owns income from the said agricultural land and that amount has to be adjusted from the maintenance awarded by the Court below.
3. Perusal of the record would show that there was no such order passed by

the Family Court for adjustment of the agricultural income received by the respondent-wife and that there was a specific order of the payment of fixed amount of maintenance payable to the respondent-wife and with no specific direction for any adjustment with the agriculture income if any is received. In absence of any specific order the applicant is bound to pay the maintenance as awarded by the Court below including the arrears of the unpaid maintenance amount. So far as the financial capacity of the applicant is concerned he may move an appropriate application to the concerned Court in this regard, which may consider the same in accordance with law.

4. In the present case no strong case is made out for interfering the impugned order dated 15/06/2016. The revision petition being devoid of merits is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge