

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL REVISION NO. 570 OF 2016

- Sukhram, aged about 35 years, S/o Baratu, Caste- Teli, R/o beside of Chowki CSEB, Village Pump House, Q.No. 24, Tahsil and District Korba (C.G.)

... Applicant

Versus

1. Smt. Santa Bai, aged about 30 years, W/o Shri Sukhram.
 2. Minor Vishnu Ram, aged about 12½ years, S/o Sukhram.
 3. Minor Ku. Isha Sahu, aged about 11 years, D/o Sukhram.
- Applicants No. 2 and 3 through natural guardian mother and savior Smt. Santa Bai, W/o Sukhram, Caste- Teli, R/o Village Pump House, beside C.S.E.B., Korba, Q. No.24, Tahsil and District Korba (C.G.)

... Non-applicants

For Applicant : Mr. Vikas Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2016

1. Heard on I.A. No.1 of 2016, seeking for condonation of delay in filing the present revision petition which is barred by limitation of 69 days.
2. Since sufficient cause has been explained in the I.A. No.1 for the delay caused in the filing of the present revision petition, the same is allowed and the delay of 69 days occurred in the filing of the present revision petition is condoned.
3. The present revision petition under Section 19(4) of the Family Courts Act has been filed by the Applicant assailing the order dated 4.12.2015 passed by the Family Court, Korba in Case No. 142 of 2015, whereby in a proceeding under Section 125 of CrPC the Court below has allowed the application and has ordered for payment of Rs.1000/- to Non-applicant No.1 and Rs.500/- each to Non-applicants No. 2 and 3 as monthly interim maintenance.

4. The sole contention of the Counsel for the Applicant assailing the impugned order is that the amount of interim maintenance awarded by the Court below is beyond the paying capacity of the Applicant and the Court below has not properly appreciated the income of the Applicant while granting the interim maintenance to the Non-applicants. In addition, the Counsel also submitted that there has not been any sufficient ground cogently proved by the Non-applicant No.1 to leave the matrimonial home.

5. Having considered the submissions put forth by the Counsel for the Applicant and on perusal of the records, what is clearly reflected is that the Non-applicant No.1 by way of evidence before the Court below has in fact established her case of there being sufficient ground for her leaving the matrimonial home. She has specifically alleged and proved the ill-treatment and cruelty that she was being met at the hands of the Applicant and her in-laws, which led her to leave the matrimonial home.

6. So far as the quantum of interim maintenance awarded by the Court below is concerned, the amount which has been awarded is only Rs.1000/- to Non-applicant No.1 and Rs.500/- each to Non-applicants No. 2 and 3, totaling Rs.2000/-. It is anybody's guess as to what is the minimum amount which is required for a person to survive in today's cost of living. In the instant case, the total amount of interim maintenance awarded is Rs.2000/- per month for the sustenance of the three person, which under no stretch of imagination can be said to be exorbitant or on the higher side. Thus, no strong case has been made out by the Applicant for calling interference with the impugned order.

7. The Criminal Revision thus being devoid of merits the same is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge