

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 741 of 2016**

- Chandra Prakash Kshatri S/o Shri Kishan Lal Kshatri Aged About 37 Years R/o Village Nakti, Police Station Tilda, District Raipur Chhattisgarh.

---- Applicant**Versus**

- Smt. Khileshwari W/o Chandra Prakash Kshatri Aged About 35 Years R/o Village Amlidih, Post Butanga, Police Station Bhilai, Tahsil Patan, District Durg Chhattisgarh.

---- Non-applicant

For Applicant

Shri S.K. Dadsena, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****20.10.2016**

1. By way of the present the Applicant has assailed order dated 10.05.2016 passed by the First Additional Principal Judge, Family Court Raipur in Mis. Criminal Case No. 233/15. Vide the impugned order the Court below in a proceeding under Section 125 of the Cr.P.C. has granted the interim maintenance to the Respondent wife to an amount of Rs. 2500/- per month.
2. Learned Counsel for the Applicant assailing the said interim maintenance granted by the Court below submits that the Court below has committed an error of law in not appreciating the fact that there was no bonafide and genuine reasons for the Non-applicant to leave the matrimonial home and live separately. Since, there was no justified reasons for the non-applicant to have left the

company of the Applicant husband therefore the Court below should not have granted interim maintenance at the outset and should have waited for the evidence to have been recorded, and then should have reached to a logical conclusion. The Counsel for the Applicant also assails the order taking into consideration the total source of income of the Applicant husband, the amount of interim maintenance is on the higher side and prays for cancellation of the said impugned order.

3. Considering the peculiar facts and circumstance of the case where the matter before the Court below has already reached to the stage of evidence and also impugned order is only that of payment of interim maintenance, this Court is of the opinion that no strong case has been made out calling for interference with the Interim order passed by the Court below particularly taking into consideration the fact that the amount of interim maintenance is only Rs. 2000/- which has been ordered to be paid.
4. Counsel for the Applicant at this juncture further submits that in the past on many occasions the matter has been fixed for evidence of the Non-applicant wife who on some pretext or other seek adjournment and the case is unnecessarily getting prolonged, therefore, prays for a direction to be issued to the Court below for concluding the trial at the earliest.
5. Considering the facts and circumstances of the case this Court is of the opinion that ends of justice would be met if the Court below is directed to make all endeavours for an early disposal of the trial itself by invoking all the powers conferred upon it for making the presence of the witness and also for passing of the final orders.

6. With the aforesaid direction this Court is of the opinion that the impugned order at this juncture does not warrant any interference and the matter shall be decided on its merits by the Court below as early as possible.
7. Accordingly, the present Revision Petition stands disposed of with the aforesaid observation.

Sd/-

(P. Sam Koshy)
JUDGE