

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 804 of 2016**

- Sonal Naidu S/o Bablu Naidu Aged About 25 Years R/o Under Chandika Temple Sitamani Korba, Police City Kotwali, Korba, Tehsil & Distt. Korba Chhattisgarh

---- Applicant**Versus**

- Smt. Seema Naidu W/o Sonal Naidu Aged About 22 Years R/o Ward No. 40 In Raw Of Shridhar House Near Neera's Home Nehru Nagar Balconagar, Police Station Balconagar, Tehsil & Distt. Korba Chhattisgarh

---- Non-applicant

For Applicant : Mr. Akhilesh Kumar, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****05/09/2016**

1. By way of the present Revision Petition the Applicant assails the order dated 13.07.2016 passed in M.J.C. 68/2016 whereby the Family Court, Korba in a proceeding under Section 125 CrPC has allowed an interim application awarding Rs. 2000/- per month as interim maintenance to the Non-applicant wife.
2. Learned Counsel for the Applicant submits that the amount of the interim maintenance awarded by the Court below is on higher side. The Applicant is a labour and it is beyond the paying capacity of the Applicant to pay Rs. 2000/- per month. In addition, the Counsel for the Applicant also submits that the Applicant has his own family to sustain and on paying Rs. 2000/- to the Non-applicant, he would find it difficult to maintain his family members having children also. He

submits that the Applicant has in fact denied the marriage also, yet the Court below without any proper evidence and substantive material has allowed the interim maintenance application.

3. Having considered the rival contentions put forth by the Counsel for the Applicant and also perusal of the record what clearly comes out is the fact that admittedly prima facie Non-applicant is able to establish that she was staying with the Applicant as his wife. Further from the written statement that the Applicant has filed before the Court below he has claimed the Non-applicant to be his second wife prima facie also establishes the relation between them. All the other contentions put forth by the Counsel for the Applicant are all matters of evidence which can not be looked into at this stage by this Court when the matter itself has been fixed by the Court below for evidence on the basis of which the claim of the Non-applicant could be decided on merits.
4. In the opinion of this Court the amount Rs. 2000/- in todays cost of living can not be said to be an amount exorbitant for sustenance, thus impugned order does not warrant any interference.
5. Accordingly, the Revision Petition being devoid of merits, stands dismissed.
6. However, it is observed that the Court below shall make all endeavours for an early disposal of the claim itself subject to the cooperation rendered by the present Applicant.

Sd/-

(P. Sam Koshy)
JUDGE