

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.916 of 2016**

Suresh Sahu S/o Khelwan Sahu, Aged About 23 Years Presently R/o At Kumhari, P. S. Kumhari, District Durg (Chhattisgarh).

---- **Petitioner**

Versus

Smt. Radhika Sahu W/o Suresh Sahu, Aged About 19 Years R/o Village Guma, P.O. Tenduwa, Civil & Revenue, Raipur, District Raipur (Chhattisgarh).

---- **Respondent**

For Petitioner	:	Shri Rajesh Roshan Singh, Advocate.
For Respondent	:	Shri Shivendu Pandya, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/03/2017

1. Challenge in this revision is to the order dated 03.08.2016 passed by the First Additional Principal Judge, Family Court, Raipur, in Misc. Criminal Case No.571 of 2015. Vide the said order, the court below in a proceeding under Section 125 CrPC has passed an interim order of maintenance directing the petitioner to pay an amount of Rs.2500/- per month to the respondent.
2. The contention of counsel for the petitioner is that the court below has not properly taken into consideration the adamant nature of the respondent-wife inasmuch as, in spite of best efforts by the petitioner, she has refused to stay along with the petitioner. He further submits that the petitioner on more than couple of occasions had made efforts for reconciliation with the respondent but she refused to stay with the

petitioner. Therefore, according to the petitioner, she should not have been granted any interim maintenance.

3. He also assails the order on the ground that the amount of maintenance is exorbitant as compared to his income. According to him, he is working as Daily Wage Worker and is hardly getting an amount of Rs.3000/- a month of which if Rs.2500/- is paid to the respondent, he does not have sufficient means to sustain himself. Therefore, interim maintenance of Rs.2500/- granted by the court below be modified/altered suitably.
4. However, counsel for the respondent opposes the revision on the ground that it is only an interim maintenance which has been granted and the amount of Rs.2500/- cannot be said to be an exorbitant amount. According to him, if the said amount of Rs.2500/- is divided into number of days in a month, it comes to less than Rs.100/- per day which is too meager an amount for any person to sustain herself, and therefore, there is no strong case for interference with the interim maintenance awarded by the court below.
5. Having heard the rival contentions put forth on either side and on perusal of records what is clearly reflected is that the impugned order in this case was passed on 03.08.2016. It is by now almost 7-8 months from the date of order being passed. By efflux of time the proceedings before the court below must have already proceeded substantially. So far as the contention put forth by the petitioner with regard to conduct, attitude and behavior of the respondent-wife is concerned, these are matter of evidence. The petitioner would have to prove his case by leading suitable and cogent evidence to establish that respondent-wife is not entitled for

grant of maintenance much less grant of interim maintenance.

6. Further, if we take into consideration the amount of interim maintenance, by no stretch of imagination the same can be said to be an exorbitant amount as accepting the contention of the respondent, the amount is even less than Rs.100/- per day. The said amount is too meager an amount with which a person can sustain in todays cost of living.
7. Thus, for all the aforesaid reasons, this court is not inclined to entertain this petition at this juncture. However, the revision petition is disposed of with a direction to the court below to ensure that the proceeding before the court below is culminated at the earliest considering the fact that the claim application was filed in the month of October, 2015, and as such, over 1 and ½ years is already elapsed pending the case before the court below. Proceedings under Section 125 CrPC is to be decided as a summary proceeding.
8. It is expected that the court below shall try to decide the matter as expeditiously as possible preferably within a period of four months from today. The court below is further directed that even if either of the parties seek adjournment, the same should not be given of a prolonged period.

Sd/-
(P. Sam Koshy)
Judge