

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No.1183 of 2016

- Smt. Saranjeet Kaur W/o Shri Deep Singh Aged About 24 Years R/o House No. 165, Balaji Nagar, Near Shitala Mandir, Khursipar, Bhilai, District- Durg, Chhattisgarh.

---- Petitioner

Versus

- Deep Singh S/o Amrik Singh Gil Aged About 35 Years R/o Camp 1, Premnagar, Subash Chowk, New B.S.P. Quarter, Police Station- Chawani, Tahsil & District Durg, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Trun Dadsena, Advocate
For Respondent	:	Ms. Pritha Ghoshal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/02/2017

Heard.

2. This revision petition arises out of order dated 03-12-2016 passed by the Family Court, Durg, whereby the petitioner-wife has been awarded interim maintenance of Rs.2,500/- per month. This petition has been filed by the petitioner seeking enhancement of amount of interim maintenance. According to the petitioner, husband of the petitioner is working and posted as Assistant Manager, Central Bank of India, Bangalore and earning approximately Rs.31,000/- per month as also enjoying other facilities. The petitioner has no source of income and she is presently residing in her parental house at Bhilai. For her day to day needs, the petitioner requires minimum amount so as to ensure her bare existence. It is submitted that the amount of Rs.2,500/- is too low amount granted by the Family Court, even though, the respondent-husband is earning handsome salary. Therefore, as the petitioner is entitled to live with the same status as that of her husband, the amount of interim

maintenance may be appropriately enhanced.

3. On the other hand, learned counsel for the respondent submits that the respondent-husband is engaged in a job with limited salary of Rs.31,000/-, who is getting total remuneration per month and that he is residing in a City like Banglore and living cost index of that city is very high. It is also submitted by learned counsel for respondent that the parents of the respondent are residing at Bhilai and the respondent-husband has to look after their parents as also to manage all other affairs. In these circumstances, whatever amount of interim maintenance has been fixed by the learned Family Court does not warrant interference.

4. From the pleadings and affidavit of the parties, it is found that at this stage, for consideration of prayer for grant of interim maintenance, material required to be seen and taken into consideration are the pleadings and affidavits only. From the documents on record, it is found that the respondent-husband is earning approximately Rs.31,000/- per month as his salary and he is living at Banglore. The parents of respondent-husband are stated to have resided at Bhilai. Another contention of learned counsel for the petitioner is that the financial burden on the respondent is quite high. At the same time, on principles, the petitioner-wife is also entitled to amount of maintenance, which is commensurate to the living status, which she was enjoying, if wife of the respondent was living with him. Therefore, striking balance between the aforesaid two considerations, I deem it expedient to enhance the amount of interim maintenance by a further amount of Rs.500/-.

5. In the result, the revision is allowed. The respondent-husband shall pay an amount of Rs.3,000/- per month maintenance to the petitioner-wife from the date of passing of impugned order by the Family Court, Durg.

SD/-
(Manindra Mohan Shrivastava)
Judge