

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**CRR No. 282 of 2017**

- Santosh Gandharva S/o Shri Dular Singh Gandharva, Aged About 30 Years R/o Near R.K. Petrol Pump, Santoshi Mandir, Ramayan Chawk, Chantidih, Bilaspur, Police Station Sarkanda, Civil & Revenue District Bilaspur Chhattisgarh

---- **Petitioner**

**Versus**

1. Smt. Rinky Gandharva W/o Shri Santosh Gandharva, Aged About 23 Years R/o Near R. K. Petrol Pump, Santoshi Mandir, Ramayan Chowk, Chantidih, Bilaspur, Police Station Sarkanda, Civil & Revenue District Bilaspur Chhattisgarh At Present R/o Village Mehendi, Police Station Shivrinarayan, Civil & Revenue District Janjgir Champa Chhattisgarh
2. Ku. Hansika, D/o Shri Santosh Gandharva, Aged About 8 Years Minor Through Her Legal Guardian Mother Smt. Rinky Gandharva, R/o Near R. K. Petrol Pump, Santoshi Mandir, Ramayan Chowk, Chantidih, Bilaspur, Police Station Sarkanda, Civil & Revenue District Bilaspur Chhattisgarh At Present R/o Village Mehendi, Police Station Shivrinarayan, Civil & Revenue District Janjgir Champa Chhattisgarh

---- **Respondents**

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For Applicant : Mr. Paras Mani Shriwas, Advocate

For Respondents : Ms. Nand Ku. Kashyap, Advocate.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**13-04-2017**

1. This revision petition is directed against the order dated 4-2-2017 passed by Family Court, Janjgir, District Janjgir Champa in Misc. Criminal Case No. 247 of 2016 whereby the Family Court allowed the application filed by the respondents, who were wife and daughter of the applicant, for grant of interim maintenance and awarded Rs.2,000/- per month to respondent No.1/wife and

Rs.1000/- per month to respondent No.2/ daughter by way of interim maintenance.

2. Learned counsel appearing for the applicant would submit that the order passed by the trial Court is completely perverse as it is against the spirit of Section 125 (4) of the Cr.P.C. He would further submit that the applicant has filed the application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights which was allowed by the court on 3-5-2016. Subsequently to execute the decree a notice was also issued to respondent No.1/wife and despite service of notice, respondent No.1/wife failed to appear before the court below, therefore, the order passed by the Court below cannot be sustained.
3. On the other hand, learned counsel for the respondents oppose the arguments and supported the order passed by the Family Court.
4. I have heard learned counsel for the parties and have perused the order passed by the Court below.
5. Perusal of the order passed by the court below would show that pleading was made by the respondent No.1/wife that she was subjected to cruelty for demand of dowry and she was forced to leave the house of the applicant and she did not have any independent source of income to maintain herself. It is further stated that the applicant was earning Rs.25,000/- per month and was having 100 acres of plot. Therefore, prayer was made to grant interim maintenance and as prayed for the family court has awarded Rs.3000/- (Rs.2000/- per month to respondent No.1/wife and Rs.1000/- per month to respondent No.2/daughter by way of interim maintenance.

6. Perusal of the order and documents would show that the relation in between the parties has not been disputed that respondent No.1 is wife and respondent No.2 is minor daughter of the applicant.. Taking into the judgment and the restitution of conjugal rights which would show that it was an ex parte order, no direct inference can be drawn at this stage.
7. Considering the fact totality of the facts, the amount of Rs.3000/- granted to the respondent No.1/wife and respondent No.2/daughter, do not appear to be exorbitant. The price of goods as escalated in the society cannot be ignored and at the same time, it is the obligation of the husband to maintain the wife and daughter and even if a person is a labour and is expected to maintain his wife and daughter according to his status. Therefore, the award of Rs.3,000/- granted to wife and daughter cannot be said to be exorbitant.
8. In a result, I do not find any reason to set aside the order of interim maintenance passed by the court below.
9. Accordingly, the petition being devoid of merit is liable to be and is hereby dismissed at admission stage itself.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju