

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 319 of 2017**

Shailendra Bais S/o Late N J Bais Aged About 49 Years R/o
Briged Ultramount, B- 602, Narayan Cross Road, Kothanur,
Henure Road, Bangalore- 560077, Karnatka, Office- Address-
Senior Operation Readiness Engineer Cell India Markets Private
Limited Fourth Floor, R M Z Centrinial Building No. 8 B Knndahali
Main Road Mahadevpura Post Office- Bangalore , Pin Code-
560048, Karnatka.

---- Applicant

Versus

Smt. Ganga Devi Bais W/o Late N J Bais Aged About 69 Years
R/o C/o Sayed Asif Ali, House No. 147, In Front Of Garden ,
Shikshak Nagar Durg, Tahsil & District Durg, Chhattisgarh.

---- Respondent

For applicant - Shri Aman Kesharwani, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****28/03/2017**

1. Instant petition is by the son against the interim maintenance granted to the mother.
2. Undisputed facts are that non-applicant-1 is the mother aged about 69 years. Petitioner herein is the son. Petitioner is working as Senior Operation Readiness Engineer in Cell India Markets Private Limited at Bangalore. According to the mother who filed petition for maintenance the petitioner is earning Rs.3-4 lakhs per month and resides in his own house. However, mother has been forced to stay in rented house and for medical treatment and other expenses she needs Rs.50,000/- per month and during pendency of the application under Section 125 of Cr.P.C, Rs.25,000/- was prayed for. In reply to the application, it is contended that the mother is able to sustain herself

and thereafter after selling of the house at Durg she was given Rs. 9 lakhs and for different deposits she used to get Rs.10,000/- per month which was enough for her maintenance.

3. Learned counsel for the petitioner would submit that order impugned whereby maintenance has been granted is illegal and mother is earning Rs.10,000/- per month, therefore she was not entitled for maintenance. He further submits that in the account of the non-applicant Rs. 9 lakhs is already held by her, thereby no separate maintenance is required.

4. Perused the order which shows that petitioner contended that certain amount was paid to the mother, interest accrued therefrom she would be able to sustain. Trial court appears to have examined different medical document which shows that mother/non-applicant requires regular physiotherapy and other treatment and for her treatment huge expenses are being required. It is also observed that she is not able to walk, therefore court felt that apart from the expenses mother would need a helper. Trial court has observed that non-applicant has not placed anything on record to show what is the income of the son. It observed that while son has flown from Bangalore to Raipur and making air travel would demonstrate the standard of living, therefore Rs.10,000/- was granted.

5. After perusal of the order, grant of maintenance of Rs.10,000/- to the mother do not appear to be unreasonable as no documents have been placed before this court or trial court to substantiate actual income of the petitioner. It is unfortunate that to look after and maintain our parents for which son obliged has challenged such grant, forgetting the fact that he has been brought up by his parents so as to become an

able man. Considering the facts of this case, as no facts were placed before the court to draw any inference of income of petitioner son the circumstances demonstrated otherwise which supports for grant of maintenance, no interference is required. Accordingly, the revision is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE