

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 316 of 2017

1. Heera Lal, S/o. Kamla Prasad, Aged About 55 Years, R/o. Q. No. 14 -C, Street No. NPA, Sector -5, Bhilai Nagar, Tahsil & District -Durg Chhattisgarh. Work Place Address Department C.O. & C.C. D., Grade Scale S-5, Personal No. 941641 Coco -1, Bhilai Steel Plant, Bhilai, Tahsil & District- Durg, Chhattisgarh .

---- Applicant

Versus

1. Smt. Leela Verma, W/o. Heera Lal Verma, Aged About 52 Years,
2. Ku. Roushni Verma, D/o. Heera Lal Verma, Aged About 20 Years, (Unmarried),

Both R/o. Q.No. 14-C, Street No. NPA, Sector -5, Bhilai Nagar, Tahsil & District -Durg Chhattisgarh.

---- Respondents

For Applicant : Mr. Shravan Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/03/2017

1. This petition is against the order of interim maintenance granted to the respondents of Rs.9,000/- per month vide order dated 28.01.2017, passed in Case No.890/2016, passed by the First Additional Principle Judge, Family Court, Durg, District – Durg (C.G.).
2. Learned counsel for the petitioner would submit that the petitioner was married to the respondent No.1, 25 years back and the

petitioner is working in BSP. It was alleged that without any rhyme and reason, the respondents are residing separately, therefore, they are not entitled for any maintenance. It is further submitted that the petitioner is getting salary of Rs.18,593/-, therefore, grant of part of 50% out of them would amount to illegality and accordingly, interference is required.

3. Perused the order dated 28.01.2017. The trial Court by way of interim maintenance has awarded Rs.9,000/- per month to the respondents. The reason for residing separately whether is genuine or not is to be appreciated after the evidence is adduced by the parties. Admittedly as appears, the petitioner is working in BSP and the document Annexure A-4 the salary certificate would show that gross salary of applicant is Rs.49,341/-. The respondent No.1 is wife aged about 52 years and the respondent No.2 who is daughter is aged about 20 years as would be evident from the cause title of the petition.
4. Considering the fact that the petitioner is working in BSP and gross salary appears to to be of Rs.49,000/- in one slip and in another it is shown at Rs.50,360/- and net pay is shown to be Rs.18,593/- after deductions. Therefore, considering the gross salary, the award of Rs.9,000/- per month as interim maintenance do not appears to be unreasonable as the deduction is at the behest of the petitioner himself. While the gross salary appears to be of Rs.50,360/- as such gross salary which is receivable to the petitioner can not be ignored.

5. Taking into the fact and further after going through the order, in my considered opinion no jurisdictional error has been committed or it can be stated that it is a case where the Court has exceeded the jurisdiction vested in it by law. Therefore, considering the same I am not inclined to interfere with such finding to disturb the interim maintenance granted to the non-applicants.
6. Accordingly, the petition has no merit and is dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge