

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CR.R. No. 315 of 2017**

Nilkamal Rajput, S/o. Durgasingh Rajput, Aged About 30 Years, Occupation-  
Police Constable, Police Station- Marwahi, District -Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

Smt. Roshani Rajput, W/o. Nilkamal Rajput, Aged About 25 Years, R/o. Bade  
Koni, Police Station- Koni, District -Bilaspur, Chhattisgarh.

**---- Respondent**

---

For Applicant : Mr. Hemant Kesharwani, 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 respondent vide order dated 17.01.2017, passed in Miscellaneous Criminal Case No.483/2016, passed by the Additional Principle Judge, Family Court, Bilaspur, District – Bilaspur (C.G.).
2. As per the petitioner, the trial Court by an order dated 17.01.2017 has granted an amount of Rs.7,000/- per month to the wife and the minor children though minor children was not arrayed, therefore, the order of Rs.7,000/- which has been granted as interim maintenance is illegal. The counsel further submits that the marriage of the applicant and non-applicant has not been proved, therefore, the grant of interim award is *per se* wrong. The counsel further submits that the grant of Rs.7,000/- as an interim maintenance is also on the higher side, therefore, this required interference by this Court.
3. Perused the order. Perusal of the order would show that the

applicant is working in the police department. This fact is not disputed that he is a government employee. Though the plea has been raised that the applicant was not married to the non-applicant but at this stage, the same can not be appreciated. Acceptance of oral submission on behalf of the applicant will amount to final adjudication of the issue in absence of any evidence. The argument has been raised that the interim award is on higher side, therefore, as can be inferred that the relation inter-se between the parties has not been directly denied and both the facts can not be appreciated together that interim award though has been granted on the higher side in the alternative that respondent is not legally married wife.

4. Perusal of the award would also show that separate maintenance has not been awarded to the child and Rs.7000/- has been given to the wife. Therefore, in all fairness when the respondent is blessed with child the maintenance can not be denied at this stage. The salary certificate of the applicant would show that he is getting net salary of Rs.17,623/- and the gross salary is Rs.19,641/-.
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-applicant.
6. Accordingly, the petition has no merit and is dismissed at admission stage itself.

**Sd/-**

**(Goutam Bhaduri)**  
Judge