

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 398 of 2017

- Sheetal Sahu S/o Alakh Ram Sahu Aged About 32 Years R/o Village Birejhar, Post Mangarha, Police Station Somani, Tahsil And District Rajnandgaon, Chhattisgarh. **--- Applicant**

Versus

1. Smt. Soni Sahu W/o Sheetal Sahu Aged About 30 Years R/o C/o Thukel Sahu, Urla Bajrang Para, Ward No. 58, Police Station Pulgaon, Tahsil And District Durg, Chhattisgarh.
2. Dinesh Sahu S/o Sheetal Sahu Aged About 4 Years Minor Guardian Through Mother Smt. Soni Sahu, R/o C/o Thukel Sahu, Urla Bajrang Para, Ward No. 58, Police Station Pulgaon, Tahsil And District Durg, Chhattisgarh. **--- Respondents**

For the applicant : Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.04.2017

1. This revision is against the order dated 02.03.2017 whereby the 1st Addl. Principal Judge, Family Court, Durg, has awarded the interim maintenance to the non-applicant wife and children i.e., Rs.1000/- per month each (total Rs.2000/- per month) till the case is decided on merits.
2. A perusal of the order would show that it is an admitted fact that the non-applicant No.1 was married to the applicant in the year 2002 and they had resided together till 2016. Out of the wedlock, applicant no.2 was born. It was stated that the applicant whose annual income is Rs.5 lakhs without any rhyme and reason has failed to maintain and assaulted her for not fulfilling the demands of Rs.1 lakh and a motor cycle.
3. The trial Court on the application having filed by the non-applicants has awarded the interim maintenance of

Rs.2000/- each to the wife and daughter. Against the interim maintenance, the present revision has been filed.

4. Learned counsel for the applicant would submit that the order of maintenance awarded to the wife and daughter are too high and the legitimacy of non-applicant No.2 is also in doubt, therefore, the grant of maintenance is completely illegal and accordingly it be set aside.
5. A perusal of the order in between the lines would show that the relation between the applicant and non-applicant no.1 is not in dispute. It is also not undisputed that non-applicant no.1 was married to the applicant way back in the year 2002 and both they have resided together till 2016 and a child was also born. It is alleged that the applicant has without any reason has failed to maintain the wife and children. The argument advanced by the learned counsel for the applicant that the non-applicant no.2 is not the legitimate child of the applicant can only be decided during the course of evidence.
6. Considering the interse relation between the parties which has not been disputed and the fact that the after the marriage non-applicant no.1 cohabited with the applicant till 2016 and out of such relation, a child was borne. The award of maintenance of Rs.2000/- to the non-applicants cannot be said to be exorbitant.
7. Taking into totality of such facts and circumstances and considering the index of price prevailing in the current market of the Society, I am not inclined to interfere with the impugned order. Accordingly, this revision is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**