

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 414 of 2017

Ramkumar Gupta, S/o. Mathura Prasad Gupta, Aged About 45 Years, R/o. Korba Road, Near Naya Talab, Shriram Bartan Bhandar, Baloda, District Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

Smt. Urmila Gupta, W/o. Ramkumar Gupta, Aged About 36 Years, R/o. Q.No. E/ 87 Yadunandan Nagar, Tifra, Police Station- District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akhtar Hussain, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.04.2017

Heard

1. This revision petition is against the order dated 04.04.2017 passed in M.J.C. No.192/2017 by the learned Additional Principle Judge, Family Court, Bilaspur, District Bilaspur (C.G.) whereby the interim maintenance of Rs.5000/- has been awarded to the respondent/ wife.
2. Learned counsel for the applicant submits that the applicant is only working in the shop of his father to sell the utensils, he do not have any individual income and he has to look after his mother, father and also himself. It is submitted that the house is also been given to the respondent by the applicant. He further submits that the applicant has obtained a loan of Rs.5 Lakhs from Punjab National Bank and is paying the repayment of Rs.10,000/- per month, therefore, he has no source of income and as such the

interim maintenance granted is exorbitant, which may kindly be stayed.

3. Perused the order dated 04.04.2017 as also the reply filed by the applicant before the Family Court. The wife has claimed that the husband is earning Rs.1 Lakh per month out of that Rs.25,000/- per month maintenance was sought for. In reply, the applicant/husband has stated that he was initially working with his father, subsequently, he obtained a loan of Rs.5 Lakhs from Punjab National Bank for his business and he is required to pay Rs.10,000/- per month as repayment and pressure was exerted by the wife to transfer the house in her name and that was a reason of dispute. It is further submitted that the wife is earning Rs.10,000/- per month as a rent, therefore, interim maintenance may not be allowed.
4. Perusal of the order and reply would show that the husband has admitted the fact that he has taken loan from Punjab National Bank to the extent of Rs.5 Lakhs and repayment is being made. Consequently, it can be inferred that when the loan of Rs.5 Lakhs was obtained then in such case the turnover of the husband may be to the extent to which he was granted loan. Nothing is on record at this stage to show the actual income of the husband; besides the inference can be drawn that he has obtained loan of Rs.5 Lakhs from Punjab National Bank. The document wherein the applicant placed a reliance would show that it is a Will which purports that the house was bequeathed in favour of her wife and children. Necessarily it means that the applicant/husband has constructed the house whereby the income can be inferred as the house is said to be double storied. Considering the same, at

present, it cannot be stated that the interim maintenance as has been granted is exorbitant taking into the price index, which is prevailing in the society.

5. In the result, I do not find any reason to interfere with the order passed by the learned Court below. Accordingly, the revision petition is dismissed at the admission stage itself. However, it is observed that the trial Court shall not be influenced by any observation made in this order while deciding the case finally.

Sd/-
(Goutam Bhaduri)
Judge