

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 435 of 2017

- Durgesh Dewangan S/o Shri Shiv Kumar Dewangan Aged About 28 Years R/o Near Shahid Veer Singh Narayan I T I, Khursipar Sector-11, Ward- 38, Bhilai District Durg, Chhattisgarh. --- **Petitioner**

Versus

- Smt. Kamani Dewangan W/o Durgesh Dewangan Aged About 25 Years R/o Near Sumit Kirana Stores, Bapu Nagar, Khursipar, Sector-11, Bhilai District Durg, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Vipin Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.04.2017

1. The instant petition is against the order dated 06.2.2017 whereby the family Court, Durg, has directed for payment of interim maintenance of Rs.1000/- per month.
2. Learned counsel for the applicant submits that the income has not been proved by the non-applicant and in absence of such proof, the interim maintenance could not have been awarded.
3. Perused the impugned order. It shows that the wife has filed the application that after marriage till two months, she was kept well thereafter after consuming liquor, the applicant used to torture her and abused and assaulted. Thereafter she was forced to evict from the house. It was stated that the husband is a Mason contractor, he used to earn Rs.20,000/- per month, therefore, Rs.4000/- towards maintenance be granted. In reply, the husband has stated that false allegations have been attributed to the present applicant and he was a labour and because of number of

cases which were filed against the applicant, he could not even earn his livelihood, therefore, he was unable to earn and pay the interim maintenance.

4. A perusal of the order would show that the non-applicant is wife and the inter-se relation between the parties have not been disputed. Though it is stated that the applicant is a mason yet the fact whether the applicant is earning by doing the work of mason or by doing the labour work has to be adjudicated in final stage. In any case, the relations between the parties are not denied. Therefore, considering the facts and circumstances of the case, the amount of Rs.1000/- cannot be said to be exorbitant taking into price index which is prevailing in the society. Hence, I do not find any merit in this revision warranting inference by this Court in the impugned order dated 06.02.2017. Accordingly, this revision has no merit and is dismissed at the admission stage.

Sd/-

**GOUTAM BHADURI
JUDGE**