

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 596 of 2017

Kaushal Kumar Shandey @ Kaushal Sinha, S/o. Mahendra Kumar Shandey, Aged About 33 Years, R/o. Lab Care Diagnostic, In Front Of Bachpal Hospital, Mahadev Ghat Road, Raipur Chowk, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. Smt. Veena Sinha (Shandey), W/o. Kaushal Kumar Shandey @ Kaushal Sinha, Aged About 30 Years.
2. Kumari Harshita Shandey, D/o. Kaushal Kumar Shandey @ Kaushal Sinha, Aged About 8 Years, Through Her Natural Guarding/Mother Namely Smt. Veena Sinha (Shandey), W/o Kaushal Kumar Shandey @ Kaushal Sinha Aged About 30 Years.

Both R/o. Lane No. 4, Mahadev Nagar, Near Yellow Building, New Changorabhata, D.D. Nagar Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Respondents

 For Applicant : Mr. Manoj Paranjpe &
 Mr. Prasoon Agrawal, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2017

Heard

1. This revision is against the order dated 30.05.2017, passed in Case No.256/2016, passed by learned 2nd Additional Principal Judge, Family Court – Raipur (C.G.), wherein interim maintenance has been ordered and the applicant has been directed to pay Rs.5,000/- to the daughter respondent No.2 – Ku. Harshita Shandey.

2. Learned counsel for the applicant would submit that the order of grant of interim maintenance to the daughter is completely illegal and the income of the wife as well as the income of the husband has not been considered, therefore, the same may be set-aside.
3. Perused the order. The order reflects that according to the income tax return of 2006-07, income of the petitioner was shown to be Rs.98,000/- and other income has been shown as Rs.1,68,000/- and total income was shown as Rs.2,05,450/-.
4. Considering the fact that the relation inter-se between the applicant and the respondent No.2, who is minor beneficiary aged about 8 years has not been disputed and the respective actual income by applicant is still to be established before the Court and when prima-facie the Court has found the income of the applicant is sufficient, it has granted interim maintenance of Rs.5,000/- to the daughter. Taking into totality and quantum of maintenance, I do not find any perversity or illegality considering the price index which is prevailing in the market. The parties are at liberty to produce their respective evidence before the Court so as to rebut the claim of each other.
5. After evaluating the prima-facie facts and 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, I am not inclined to interfere with such finding to disturb the interim maintenance granted to the respondent No.2, the minor daughter.
6. Accordingly, the revision petition has no merit and is dismissed at admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge