

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 660 of 2017

T. Parvateesam S/o Shri T. Tulsi Rao Aged About 61 Years R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh. --- **Applicants**

Versus

1. Smt. T. Radha Rani W/o T.Parvateesam Aged About 40 Years R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh.
2. Ku. T. Padmavati D/o T. Parvateesam Aged About 19 Years R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh.
3. Ku. T. Dhan Laxmi D/o T. Parvateesam Aged About 17 Years Minor Through Their Natural Guardian Mother Smt. T. Radha Rani, R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh.
4. T. Vasudev S/o T. Parvateesam Aged About 16 Years Minor Through Their Natural Guardian Mother Smt. T. Radha Rani, R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh.
5. T. Ram Laxmi S/o T. Parvateesam Aged About 15 Years Minor Through Their Natural Guardian Mother Smt. T. Radha Rani, R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh.
6. T. Laxman Rao S/o T. Parvateesam Aged About 15 Years Minor Through Their Natural Guardian Mother Smt. T. Radha Rani, R/o House No. 1022/4, Construction Colony, Near Tarbahar Naka, Railway Area, Bilaspur Chhattisgarh. --- **Respondents**

18.08.2017	Shri Ritesh Verma, Counsel for the Applicants. Heard. This petition is against the order dated 29/05/2017 passed by the learned Family Court, Bilaspur, District-Bilaspur in MJC No. 73/2017 whereby the appellant was directed to pay the interim maintenance of Rs. 7000/- per month to the non-applicants.

A perusal of the record would show that an application U/s 125 Cr.P.C. was filed before the Family Court, Bilaspur by the wife and five children. Out of them four were shown to be minors. In the application it is alleged that the applicant was working in the Railways and all of a sudden he stopped payment of any amount thereby the wife and other children were under the extreme difficulty to get on herself and her children. Even the amount for medical treatment and other household expenses have not been paid.

The Trial Court after hearing the parties directed for payment of interim maintenance @ Rs.7000/- per month from the date passing of the order i.e., 29.05.2017.

Learned counsel for the applicant would submit that the applicant has now retired and he is getting a meagre pension of Rs. 10,240/-, out of which Rs. 7000/- has been directed to be paid to the respondents towards maintenance. He submits that looking to the monthly pension being received by the applicant, the amount of maintenance granted by the learned court below is on higher side, therefore, the same may be stayed.

Perused the records of the court below. In reply to interim application for maintenance, the husband has stated that out of salary of Rs. 33,890/- after deduction he is getting Rs. 15,000 to 16,000/- and is maintaining his family therefore, no interim maintenance should be awarded. As against this, in the application for interim maintenance, it is stated that the applicant is not paying any amount to maintain the family.

The pension slip which has been filed along-with petition would show that the applicant himself has surrendered amount of Rs.6400/- and after deducting the said amount from the basic pension of Rs.16,000/- he is getting Rs.10,240/- including D.A., of Rs.640/- . Therefore, it can not be stated that he is only getting Rs. 10,240/- since the amount appears to have been reduced by the husband of his own will. The non-applicants wife and children cannot be blamed for that. More so, the order being interim nature as per section 19(4) of the Family Court Act, 1984, the petition herein before the Court would not be maintainable. In that view of the matter, I do not find any illegality in the impugned order warranting interference by this Court. Accordingly, this revision is dismissed.

The Registry is directed to send back the records to the Trial Court immediately. The Trial Court after receipt of record may issue summons for appearance of the parties before it.

**Sd/-
GOUTAM BHADURI
JUDGE**

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