

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 806 of 2017**

- Sayyad Imran Ali S/o Sayyad Rahman Ali Aged About 28 Years R/o Ali Traders, Chandipara, Pamgarh District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

- Reshma Parveen W/o Syiad Imran Ali Aged About 25 Years R/o Alin Traders, Chandiparra, Pamgarh District Janjgir Champa Chhattisgarh. Present Address Saroj Vihar Colony, Bahtarai Police Station Sarkanda Tahsil & District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner : Shri Saleem Kazi, Advocate.

For Respondent : Shri Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/08/2017**

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought with a prayer to interfere with the order dated 7.8.2017 passed by the Additional Principal Judge, Family Court, Bilaspur in MJC No.126/2017.
2. It is admitted position that petitioner and respondent are husband and wife and presently the respondent/wife is residing with her parents. Respondent moved an application under Section 125 of Cr.P.C. before the learned Lower Court, in which an order has been passed on 07.08.2017 directing the petitioner herein to pay monthly interim maintenance of Rs.4,000/- to the respondent wife. It is this order which

has been assailed by the petitioner in this petition.

3. Learned counsel for the petitioner submits that petitioner was working as Agent in HDFC Bank before his marriage and thereby earning Rs.15,000 to 20,000/- per month, but presently he is unemployed. He is preparing and appearing in the competitive examinations. Although, the trial Court has taken into consideration this statement made by the petitioner, even then the order has been passed for payment of interim maintenance. It is submitted that the interim maintenance ordered by the Family Court is on higher side. He further submits that considering the fact that petitioner is presently unemployed and sitting idle at home, the amount of interim maintenance may be reduced suitably to give some relief to the petitioner.
4. Learned counsel for the respondent has opposed the petition and statement made in this respect. It is submitted that the petitioner was working as Agent in the HDFC Bank and apart from this, he is capable to do all other works to earn livelihood. Further, there is family business of the petitioner from which he must be having some income. Thus, there is no need to interfere with the interim maintenance ordered by the family Court.
5. Heard the parties and perused the material on record.
6. Considering the fact that the pleadings made by both the parties are subject to proof before the trial Court, however, at this stage, the submission of petitioner that he is unemployed, which is supported by his affidavit, cannot be ignored altogether. Although, it is settled principle that the husband is bound to maintain his wife and he cannot shirk from his responsibility, but considering the fact that presently the petitioner is

unemployed, the interim maintenance as ordered by the family Court can be reduced to some extent in the interest of justice.

7. For the foregoing reasons, the petition is allowed at the motion stage itself. The interim maintenance ordered by the learned Additional Principal Judge, Family Court, Bilaspur is modified reduced to Rs.3,000/- per month. Petitioner is directed to pay Rs.3,000/- per month to the respondent wife as interim maintenance till the final disposal of the case pending before the Court below.

8. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE