

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 717 of 2017**

Siyaram @ Amit Vishwakarma S/o Shri Ramesh Vishwakarma,
Aged About 43 Years R/o B-32/96-A/1-A, Nariya, Police Station
Lanka, Waranasi, Tahsil & District Waranasi (U.P.)

---- Applicant

Versus

1.Smt. Shweta Vishwakarma, Aged About 32 Years , W/o Siyaram
@ Amit Vishwakarma,

2.Ku. Gargi Vishwakarma, Aged About 4 Years D/o Siyaram @ Amit
Vishwakarma, Represented Through Mother Smt. Shweta
Vishwakarma,

Both are R/o C/o J.N.Vishwakarma, House No. D-407, Maitri Nagar,
Sunder Nagar, Mahadevghat Road, P.S. D.D.Nagar, Raipur, Tahsil
And District Raipur, Chhattisgarh

---- Respondents

For applicant - Shri D.K. Vishwakarma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order**

21/07/2017

1. Heard.
2. The instant petition is against the order dated 21/03/2017 against interim award which has been granted to the respondents i.e. Rs.8000/- has been ordered to be paid to wife Shweta Vishwakarma and Rs.4000/- has been directed to be paid to Ku. Gargi Vishwakarma.
3. As per the case of the non-applicant, he was married to the applicant on 18/11/2005. Thereafter a child was born on 23/03/2009. When the respondent was pregnant at that time she was deserted and a demand of Rs.2 lakh was made on the ground that applicant has no money for the delivery of the child and as such she was assaulted and thrown out of the house. It was stated that applicant is in private service interior decoration, civil draftsman and has his own business, thereby he was earning Rs.35,000/- per month apart from the rental income of

Rs.10,000/-. As against this father of the non-applicant is pensioner and getting pension of Rs.15,000/- per month.

4. Learned counsel for the applicant submits that direction may be given to decide the petition urgently. He further submits that the award has been passed without any evidence and as such award may be set aside.

5. Perusal of the order would show that no document was filed by the petitioner/husband to show his income. Document filed along with the petition would show that husband came out with reply that applicant is not legally wedded wife. There is no iota of evidence or single document was placed before the court below to show income of the husband which was well within his knowledge as per Section 106 of the Evidence Act. Considering the fact that interim maintenance has been awarded, I do not find any rhyme or reason to interfere in such order. Petitioner shall be at liberty to place his evidence during the course of trial to show his income. Therefore, after reading of the order, I do not find any jurisdictional error has been committed by the court below.

6. Consequently, revision has no course and is hereby dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE