

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1017 of 2016

1. Smt. Reena Jaiswal W/o Suresh Kumar Jaiswal Aged About 21 Years Presently Residing At - C/o Shri Hariprasad Digsena, Madan Mohalla, Pali, Tahsil Pali, District Korba Chhattisgarh
2. Ku. Kaya Jaiswal D/o - Suresh Kumar Jaiswal Aged About 6 Years Through Natural Guardian (Reena Jaiswal) Presently R/o At - C/o Shri Hariprasad Digsena, Madan Mohalla, Pali, Tahsil Pali, District Korba Chhattisgarh

---- Petitioners

Versus

- Suresh Kumar Jaiswal S/o Sitaram Jaiswal Aged About 26 Years Occupation - Businessman And Agriculture, R/o - Village - Khamhariya, Police Station Sipat, Tahsil - Masturi, District - Bilaspur Chhattisgarh

---- Respondent

For Applicants : Mr. Ishwar Jaiswal, Advocate

For Respondent : Mr. Dharendra Pandey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-04-2017

1. Heard on I.A No.1 of 2016, application for condonation of delay in filing the instant revision petition.
2. On due consideration, I.A.No.1 of 2016 is allowed and delay in filing the instant revision petition is condoned.
3. This revision petition is directed against the order dated 4-7-2017 passed by Family Court, Bilaspur, District Bilaspur in Misc. Criminal Case No. 157 of 2016 whereby the Family Court partly allowed the application filed by the applicants, who were wife and minor daughter of the applicant, for grant of interim maintenance and awarded Rs.1,000/- per month to applicant No.1/wife and

Rs.1000/- per month to applicant No.2/ minor daughter by way of interim maintenance.

4. Learned counsel appearing for the applicant would submit that the order of interim maintenance passed by the trial Court is completely illegal as she was residing separately along with her minor daughter and she does not have any source of income to maintain herself. He would further submit that the respondent/husband was earning huge income. The family Court, while awarding the interim maintenance has not considered the relevant aspects of the matter, therefore committed illegality, therefore, the order passed by the Family court be set aside.
5. On the other hand, learned counsel for the respondent would submit that the family court has rightly awarded the interim maintenance and It is further stated that the allegations were leveled against the wife that she was having illicit relation with another boy and she herself deserted the respondent/husband.
6. I have heard learned counsel for the parties and have perused the order passed by the Court below.
7. Perusal of the order of the court below and documents would show that the relation in between the parties has not been disputed that applicant No.1 is wife and applicant No.2 is minor daughter of respondent. It is alleged that the applicant No.1/wife was subjected to cruelty for demand of dowry whereas the husband stated that she had illicit relation with another boy. Consequently, the allegations leveled against each other can be adjudicated by the trial Court after entire evidence is evaluated during the course of trial. Presently the order of granting interim maintenance of Rs.2000/- to the applicants does not require any interference as

the necessary evidence is yet to be adduced before the court below.

8. Considering the facts and circumstances of the case, I do not find any reason to interfere with the order of granting interim maintenance passed by the Family Court.
9. Accordingly, the revision petition is dismissed. However, the trial Court is directed to expedite the case and decide the same within a further period of eight months from the date of receipt of a copy of this order.

Sd/-
(Goutam Bhaduri)
Judge

Raju