

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1391 of 2017**

- Ashish Tripathi S/o Mr. Shanti Tripathi Aged About 30 Years R/o House No. A/106, Power City, Ashedhyapuri, Jamnipali, District- Korba, Chhattisgarh

---- Petitioner**Versus**

- Smt. Anamika Tripathi W/o Mr. Ashish Tripathi Aged About 30 Years R/o Through Nand Kumar Vishwakarma (Father), House No. 06, Saluja Vihar, Bhartiya Nagar, District- Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Ashish Shrivastava, Advocate with Shri Achyut Tiwari, Advocate
For Respondent	:	Shri Vaibhav A. Goverdhan, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/11/2017**

1. Heard.
2. This instant petition is filed against the order dated 13.10.2016, passed by the Additional Principal Judge, Family Court, Bilaspur, whereby the petitioner has been directed to pay interim maintenance of Rs.50000/- per month in a proceeding under Section 125 of the Cr.P.C., which is pending before the Family Court, Bilaspur.
3. Learned counsel for the petitioner submits that the respondent is wife, who is working with Tech Mahindra and is getting salary of Rs.40000/- per month, which would be evident from the document of her profile (Annexure P-6) and the petitioner is working with TORM Shipping

India Pvt. Ltd. and getting amount of Rs.75000/- per month and the learned trial Court without appreciating all these facts has directed for payment of Rs.50000/- per month, therefore, which is apparently wrong as nothing has been placed on record that what was the earning, therefore, the interim order dated 13.10.2016 may be set aside.

4. Learned counsel for the respondent appears and submits that an application under Section 125 Cr.P.C. is filed wherein the respondent/wife has already adduced her evidence in October, 2016 and thereafter the petitioners on some ground or the other had got the adjournment and no evidence has been adduced, therefore, the trial Court may be directed to expedite the trial and it is further submitted that only an amount of Rs.35000/- for arrears has been paid by the petitioner.
5. Perused the order dated 13.10.2016 and one of the document Annexure P-6, which is placed on record, which is said to be of the respondent/wife, wherein she has shown to have been receiving salary of Rs.480000/- per annum and thereby per month she is receiving an amount of Rs.40000/- and the petitioner has filed a document which shows that he is getting salary of Rs.75000/- per month. Taking into such fact, it is directed that the order dated 13.10.2016 shall stand modified to the extent that the petitioner shall pay an amount of Rs.15000/- per month as an interim maintenance to the respondent. It is further directed that the entire amount of arrears shall be paid within a period of one month of its order dated

13.10.2016 and the trial Court is further directed to decide the case within further period of 3 months from the date of receipt of the copy of this order and in absence of payment of the same, coercive steps may be taken against the petitioner.

6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu