

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1505 of 2017**

- Lakhanlal Banjare S/o Late Sher Singh Banjare Aged About 41 Years Caste - Satnami , Occupation Agriculture R/o Village Chharra Police Station & Tahsil Sarangarh District (Revenue & Civil) Raigarh Chhattisgarh At Present Jawahar Nagar Kargali Post Kargali Tahsil Khusro District Bokaro (Jharkhand) .

---- Petitioner**Versus**

1. Smt. Radhabai @ Omeshwari W/o Lakhan Lal Banjare Aged About 38 Years Occupation - House Wife
2. Minor Kumari Preeti Banjare D/o Lakhan Lal Banjare Aged About 16 Years
3. Minor Nikhil Banjare S/o Lakhan Lal Banjare Aged About 5 Years Through The Mother (Natural Guardian) Smt. Radhabai W/o Lakhan Lal Banjare , All R/o Village Chharra Police Station & Tahsil Sarangarh District (Revenue & Civil) Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Shri Vineet Kumar Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****01/11/2017**

1. The present petition is against the order dated 14.09.2017, wherein the respondents have been directed to be paid Rs.2000/- ,to each, by way of interim maintenance.
2. Learned counsel for the petitioner would submit that the grant of maintenance over and above the prayer made by the respondents and respondent No.2 has already been married, therefore, no maintenance could have been awarded. It is further submitted that in the facts of this case the interim maintenance granted to the respondents may be stayed.

3. Perused the record and the order. The record would show that by an order dated 14.02.2017, on an interim application filed in a maintenance case, the Judicial Magistrate has ordered for payment of Rs.2000/- per month, to each of the respondent i.e. the wife & 2 minor children. Subsequently, the same was subject of revision before the Additional Sessions Judge, Sarangarh in Criminal Revision No.10/17, wherein the Court by its order dated 14.09.2017 has maintained the order of payment of maintenance, therefore, being aggrieved by such order the same is under challenge before this Court.
4. Facts as would reveal that an application for maintenance was filed by the wife and minor children with the averments that in the year 1996 the marriage was solemnized and out of the wedlock two children were born thereafter the respondent wife was deserted and forcefully thrown out of the house. Initially an application was filed under Section 125 of the Cr.P.C. wherein certain compromise was effected and the case was filed. Again the respondent-wife was deserted and was forced to leave the house, therefore, she is facing extreme difficulty to carry on her family and provide proper education to the children. The averments were denied by the petitioner, however, the trial Court after evaluating all the facts which were before it found that the petitioner was able to maintain himself and subsequently directed to pay Rs.2000/- per month, to each of the respondent i.e. the wife & two minor children as an interim maintenance.
5. Perusal of the record would show that nothing has been placed on record to show that the petitioner is suffering and correctness of the order passed on interim maintenance can be rebutted by placing necessary facts, which can be done during the course of evidence only. This Court in exercise of powers under Section 482 of the Cr.P.C. cannot go into fact finding grooving

enquiry to interfere with such grant of interim maintenance, especially considering the price index which is prevailing in the society.

6. In a result, I am not inclined to interfere with the order. Accordingly, the petition stands dismissed.

Sd/-

Goutam Bhaduri

Judge

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