

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 1092 of 2016

Gaurav Wadhwa, S/o. Pradeep Kumar Wadhwa, Aged About 35 Years,
Presently R/o. Kalol, Ahmedabad, Gujrat, Mentioned as R/o. "Wadhwa
Sadan", Opposite Manglik Bhavan, Neemach, Madhya Pradesh

---- **Petitioner**

Versus

Parvinder Kaur @ Ruchi Wadhwa, W/o. Gaurav Wadhwa, Aged About 34
Years, R/o. Falt A 1, Ashoka Tower, Shankar Nagar, Raipur, Chhattisgarh

---- **Respondent**

For Petitioner : Mr. Raja Sharma, Advocate.

For Respondent : Mr. Pragalbha Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.07.2017

Heard

1. This petition is against the order dated 31.08.2016 passed in Crl. MJC No. 53/2016 whereby the First Additional Principal Judge, Family Court, Raipur has awarded an amount of Rs.10000/- as an interim maintenance to the wife.
2. Learned counsel for the petitioner submits that the petitioner was in service in Deepak Steels, Ahmedabad and he is earning Rs.15,000/- per month. He referred to Annexure A-5, the appointment letter and would submit that under the facts of this case, the amount of Rs.10,000/- awarded to the wife is exorbitant as his son is living with him, therefore, the same cannot be sustained. He further submits that, as per the judgment passed by the Supreme Court in case of ***Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy*** in Civil Appeal No.5369 of 2017,

25% of the net salary can only be given as maintenance to the wife, therefore, the maintenance which has been granted to the wife, at this stage, is exorbitant and required to be set aside.

3. Per contra, learned counsel for the respondent submits that the revision is not maintainable in view of the fact that the order of maintenance, if an interlocutory nature, the same cannot be assailed under revision and appeal as contemplated under Section 19(1)&(4) of the Family Courts Act, 1984. He further referred to the documents filed and would submit that the respondent/wife though tried to obtain the income tax return of the husband/petitioner, but it was not provided to her since the objection was made. He also referred to certain photographs and documents and would submit that the petitioner was financially enough to check in into JW Marriott Marquis Hotel at Dubai, which shows the financial capacity of the petitioner and the salary shown is completely fake, as the petitioner and his family members are running a showroom namely Wadhwa Automobiles at Neemuch.
4. Perused the order passed by the Court below. The learned Court below while granting the interim maintenance has observed about the business of Finance, TFC, Jimkhana & Tractor Showroom at Neemuch and other business in name of Pradeep Tyres/ Wadhwa Transport Company has been alleged by the respondent apart from the fact that 11 Trucks and Rs. 50 Lacs, Flat at Mow in the name of petitioner and his family members and other immovable properties in the name of husband has been alleged whereby it is stated that from all the business the husband used to earn Rs.1 Lac. The document which is filed by the respondent/wife would show that *prima facie* the petitioner/husband and his

wife/respondent had checked in some JW Marriott Marquis Hotel in Dubai. Therefore, *prima facie* as reflects the allegation made by the wife wherein she has projected the income of the husband more than Rs.1 Lac is supported by the documents filed and would show the financial capacity of the husband and courage to have avail such foreign trip alongwith to check in luxurious Hotels. Prima facie, there is nothing on record placed by the petitioner, at this stage, which shows that the business and company which have been named and the immovable properties named do not belong to the petitioner. The proceedings are pending before the Court, therefore, the petitioner shall have all right to rebut and destroy the allegation.

5. Taking into the facts and the documents filed by the respondent, Rs.10,000/- as has been awarded to the wife by the learned Court below cannot be stated to be as an interim maintenance is not exorbitant or inflated considering the price index, which is prevailing in the society. Consequently, the revision petition has no merit and it is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge