

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 86 of 2017

Nabin Chandra Gardia S/o Shri Samual Gardia, Aged About 55 Years (Wrongly Mentioned As Naviri In Annexure A/1), R/o Plot No. 40 Modal Town, Nehru Nagar West Bhilai, District Durg Chhattisgarh

---- Petitioner

Versus

Smt. Subhashni Gardia W/o Shri Nabin Chandra Gardia, Aged About 47 Years R/o M.I.G. 548 Housing Board, District Durg Chhattisgarh

---- Respondent

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent	:	Shri B.P. Singh, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2017

1. This petition is directed against the order dated 28.12.2016 by which interim maintenance has been awarded to the respondent-wife.
2. Respondent-wife moved an application for grant of maintenance before the Family Court stating that she is unable to maintain herself and having grown old, it is difficult to maintain herself without proper financial support. The application was resisted by the applicant-husband.

The learned Family Court granted interim maintenance of Rs.5,000/- to the respondent giving rise to this petition.

3. Learned counsel for the petitioner submits that the respondent is not entitled to interim maintenance because there is a chequered history of disputes between the parties. Earlier, an application for restitution of conjugal rights was filed by the applicant-husband, which was allowed, yet the respondent-wife is not living with the applicant. Therefore, respondent is not justified in living separately. The other submission is that though the application for grant of divorce on mutual consent was filed, because of the dispute, the proceedings were dropped. He further submits that respondent-wife is employed and getting handsome salary.

4. On the other hand, learned counsel for the respondent submits that though the respondent-wife was in job, but, later on, she has resigned on 1.2.2016 and the application for grant of maintenance was filed on 13.7.2016.
5. At the stage of grant of interim maintenance, the Court is not required to make detailed enquiry with regard to the means of livelihood of the wife or the financial capacity of husband. At this stage, the application is required to be decided on the basis of pleadings, affidavits and documents on record and prima facie satisfaction. This exercise appears to have been done by the Family Court. Moreover, I find that there is document on record which shows that though respondent-wife was in job, she had resigned in the month of February, 2016 and after about five months, she moved an application for grant of maintenance under Section 125 Cr.P.C. on the ground that she is unable to maintain herself. Marriage being not disputed, I think, the order of grant of interim maintenance, does not require any interference by this Court in exercise of the revisional jurisdiction under Section 19 (4) of the Family Courts Act and, therefore, the revision is liable to be dismissed.
6. Learned counsel for the applicant submitted that the Court below may be directed to expedite the matter within three months.
7. The Court below shall make all endeavour to expeditiously dispose off the matter as early as possible, however, without jumping the queue.
8. The Revision is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge