

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.90 of 2018**

1. Ghulam Mustafa Raza Khan, son of Ahsan Ali, aged about 35 years,
2. Smt. Bilkish Sultana, W/o Ahsan Ali, aged about 65 years,
3. Kaneez Fatima, D/o Ahsan Ali, aged about 30 years,
4. Mohsina Fatima, D/o Ahsan Ali, aged about 29 years,
All Respondents No.1 to 4 R/o Mova Adarsh Nagar Street No.8B
Purani Basti Raipur, District Raipur, Chhattisgarh
5. Smt. Noori Gosia, W/o Shabbir Ali, aged about 37 years, R/o
Ramnagar Bhilai
6. Heena Siddiqui, W/o Aftab Siddiqui, aged about 32 years, R/o
Asokaratan, Raipur, Chhattisgarh

---- Applicants**versus**

Ayesha Fatima, wife of Ghulam Mustafa Raza Khan, aged about 28 years, President of Nova Adarsh Nagar Police Station Purani Basti Raipur, Present R/o Near Shadangi Colony City Kotwali Raigarh, District Raigarh, Chhattisgarh

--- Respondent

For Applicants	:	Shri Rajeev Bharat, Advocate
For Respondent	:	Shri Anand Kesharwani, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****14.11.2018**

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. Facts of the case, in brief, are that Respondent Ayesha Fatima is wife of Applicant No.1, Ghulam Mustafa. She preferred an application under Section 12 of the Protection of Women from Domestic Violence Act. Vide order dated 20.7.2017 passed in Case No.122 of 2017, the Judicial Magistrate First Class, Raigarh granted interim maintenance of Rs.7,000/- per month in favour of

Respondent Ayesha Fatima. An appeal, being Criminal Appeal No.109 of 2017 was preferred against the said order by the Applicants, which has been rejected vide the impugned order dated 24.10.2017 passed by the 5th Additional Sessions Judge, Raigarh. Hence, this revision.

3. Learned Counsel appearing for the Applicants submits that despite the fact that Applicant No.1/husband, Ghulam Mustafa earns Rs.15,000/- per month only and other Applicants are dependent on him, a higher interim maintenance of Rs.7,000/- per month has been granted in favour of Respondent/wife Ayesha Fatima.
4. Learned Counsel appearing for the Respondent/wife submits that the monthly income of Applicant No.1/husband, Ghulam Mustafa is about Rupees One Lakh, therefore, the Judicial Magistrate First Class has rightly granted the interim maintenance of Rs.7,000/- per month in favour of the Respondent/wife.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. It is not in dispute that the Respondent is wife of Applicant No.1 and presently she is residing separately from him in her paternal house. As pleaded by Applicant No.1/husband, he earns Rs.15,000/- per month only, but in support of his pleading, no documentary evidence is available on record. Similarly, as pleaded by the Respondent/wife, Applicant No.1/husband earns Rupees One Lakh per month, but she has also not led any evidence in support of her pleading. Thus, it is not clear that what is the actual

monthly income of Applicant No.1/husband. Looking to the social and financial status of both the parties and the present price index, grant of interim maintenance of Rs.7,000/- per month in favour of the Respondent/wife is just and proper.

7. Resultantly, the instant revision is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge