

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 33 of 2018

- Prameela Dhurandhar W/o Harish Dhurandhar Aged About 39 Years R/o C/o House Of Rakesh Sahu, Ahead of Mat Kunti School Gali, Laxmi Nagar, Mova, Police Station Pendry, Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Appellant

Versus

- Harish Dhurandhar S/o Late Sahdev Prasad Dhurandhar Aged About 40 Years R/o Near Jaihind Chowk, Kapa, Lodhipara, Pandary, Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Appellant	:	Shri C.R.Sahu, Advocate
For Respondent	:	Shri K.K.Dewangan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

11/07/2018

As the counsel for respondent has already entered appearance, there is no need to pay P.F. for service of notice.

There is an application for condonation of delay in filing appeal.

Taking into consideration that the appeal is barred only by 45 days as also cause shown in the application, though prayer is opposed, we are inclined to condone the delay in filing the appeal and afford the appellant an opportunity to contest the matter on merits as the impugned order arises out of matrimonial dispute.

Accordingly, delay in filing appeal is condoned.

With the consent of the parties, the matter is heard finally.

This appeal arises out of order dated 21/11/2017 passed by the Family Court by which, appellant's application under Section 24 of the Hindu Marriage Act has been allowed in the manner that she has been granted litigation expenses of Rs.2,000/- and maintenance of Rs.2,000/- per month.

2. Learned counsel for the appellant would argue that looking to the financial status, capacity and requirement of the present appellant as also minor daughter – Ku. Ragini Dhurandhar, too meager amount has been allowed by the learned Family Court. He argues that in the application, the appellant had clearly stated that the respondent is earning agricultural income to the extent of Rs.6,00,000/- per year. Therefore, in these circumstances, the amount of maintenance may be enhanced.

3. Learned counsel for the respondent submits that the appellant has made bald statement without coming out with any specific material of alleged high income. He submits that the respondent is only an agriculturist and he has no other source of income. The agricultural land approximately 7 hectares is held by him with other members of the family. Therefore, whatever amount has been ordered by the learned Family Court is not required to be enhanced. He further submits that as far as the daughter is concerned, he is bearing all the expenditure towards her education which includes education fees and all other connected expenditures of school uniform, books and other study material.

4. After having considered the submission of learned counsel for the parties and taking into consideration that the respondent is possessed of agricultural land and he has no other source of income and he is earning agricultural income by the joint earning along with other members of the family and that he has also undertaken the liability of payment of loan taken for the education purpose of his son who is studying in Engineering College and further that the respondent has undertaken that he would be bearing all the expenses of education of his daughter and all connected expenses likely to be incurred in upbringing of his daughter, we are not inclined to interfere with the impugned order. The appeal is accordingly dismissed.

It is made clear that if the respondent deviates from the undertaking given by him, the appellant would be at liberty to move application for enhancement of the amount of maintenance.

Records of the Court below be remitted forthwith.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge