

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.316 of 2018**

1. Smt. Bhawna Paikra, W/o Likheshwar Paikra, aged about 24 years,
2. Kumari Yashika Paikra, D/o Likheshwar Paikra, aged about 6 months, through her natural guardian mother Smt. Bhawna Paikra, W/o Likheshwar Paikra, aged about 24 years,

Both residents of Village Chetuwa, P.S. Kumhari, Tahsil Ahiwara, District Durg, Chhattisgarh

---- Applicants

versus

Likheshwar Paikra, S/o Ashok Paikra, aged about 25 years, resident of Village Madahi, P.S. Silyari, Tahsil Tilda, District Raipur, Chhattisgarh

--- Respondent

For Applicants	:	Shri F.S. Khare, Advocate
For Respondent	:	Shri Gagan Tiwari, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

9.5.2018

1. This revision has been preferred against the order dated 7.11.2017 passed by the Family Court, Durg in Case No.942 of 2016, whereby the Family Court has rejected the application of the Applicants for grant of interim maintenance.
2. An application under Section 125 of the Cr.P.C. has been preferred by the present Applicants before the Family Court, Durg for grant of maintenance. They have also preferred an application for grant of interim maintenance till disposal of the case on the grounds that they are the wife and daughter of the Respondent, they are residing separately from him and they have sufficient ground to reside separately. Since Applicant No.1/wife has no source of income, she has prayed for grant of interim maintenance which has been rejected by the Family Court vide the impugned order dated 7.11.2017 on the ground that it is not established by Applicant

No.1/wife that for what reason and since when the Applicants are residing separately from the Respondent.

3. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
4. Admittedly, Applicant No.1 is the wife and Applicant No.2 is the daughter of the Respondent. At present they are residing separately from the Respondent.
5. There is nothing on record from which it could be established that Applicant No.1/wife has any source of income. Whether the Applicants are residing separately from the Respondent for proper and reasonable cause or not is a matter of evidence. Since they are the wife and daughter of the Respondent and residing separately from him, they can be granted interim maintenance for their livelihood till disposal of their application under Section 125 of the Cr.P.C. pending before the Family Court.
6. Therefore, the impugned order dated 7.11.2017 is set aside. Considering the social and financial status of both the parties and the facts and circumstances of the case, it is directed that the Respondent shall pay interim maintenance of Rs.2,000/- per month to Applicant No.1/wife and that of Rs.1,000/- per month to Applicant No.2/daughter with effect from today till disposal of the application under Section 125 of the Cr.P.C. preferred by the Applicants before the Family Court.
7. The instant revision is allowed in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge