

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.745 of 2018**

- Moh. Aasif Khan S/o Moh. Hanif Khan Aged About 30 Years R/o- Near Of Petrol Pump Vaishali Nagar Kusmanda P.S. Kusmanda Tahsil Katghora District- Korba, Chhattisgarh. Present Address H.D.F.C. Bank Branch Raigarh P.S. Tahsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

- Smt. Talhat Parveen W/o Moh. Aasif Khan R/o- Cear Of Shri Moh. Ahsaan Home M.I.G. K.B.D.-51 Houseing Board Dindayal Colony Village Mangla, P.S. Civil Line, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent**PRESENT:-**

Shri Saleem Kazi , counsel for petitioner/s.
Smt. Fouzia Mirza, counsel for respondent.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/09/2018**

1. This petition arises out of an interim order passed by the Family Court in the matter of grant of interim maintenance. On the basis of pleadings of the parties and the evidence on record, the Family Court, particularly taking into consideration that the husband is earning Rs.20,000/-, awarded interim maintenance of Rs.7,000/-.
2. Learned counsel for the petitioner submits that while passing this order, the Family Court at least ought to have taken into consideration the admitted position on record, which included the fact that the petitioner has to maintain his ailing mother and he is also having responsibility of bread and butter of his divorcee sister as also the fact that the respondent-wife is earning Rs.2,000/- per month.
3. On the other hand, learned counsel for the respondent submits that on the basis of prima facie material, it is clear that the petitioner is earning Rs.25,000/- per month, grant of Rs.7,000/- as interim maintenance cannot be said to be exorbitant.
4. Having heard learned counsel for the parties, taking into consideration the certain broad admitted position on record that the petitioner is earning Rs.25,000/-per month and he has certain liabilities as also the fact that the respondent is also earning Rs.2,000/- per month, at this stage, the impugned order requires slight modification

only to the extent instead of Rs.7,000/- per month, the petitioner has to pay Rs.6,000/- per month.

5. Accordingly, this petition is partly allowed. It is made clear that the considerations are confined while considering the order of interim maintenance and it shall not be taken as final determination of the amount.

SD/-
(**Manindra Mohan Shrivastava**)
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