

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.425 of 2017

Smt. Swati Tarar (Dewangan), aged about 29 years, Wife of Veeru Prasad Dewangan, R/o Laxmi Nagar, Bangali Para, Pachpedi Naka, Ring Road No.01, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Applicant

versus

Veeru Prasad Dewangan, aged about 31 years, son of Gyanchand Dewangan, R/o Ambe Vastralaya, Bhawani Medical Shiva Electrical and Bartan Dukan (Proprietor of all four shops), Deendayal Ward, Daupara Mungeli, Tahsil and District Mungeli, Chhattisgarh Mob. No.9617539088, 9575781758

--- Respondent

and

Criminal Revision No.450 of 2017

Veeru Prasad Dewangan, S/o Shri Gyanchand Dewangan, aged about 31 years, R/o Ambe Vastralay, Bhawani Medical, Shiva Electrical and Appliance (Bartan) Shop (Owner of all four shops Veeru Prasad Dewangan), Dindayal Ward, Daupara, Mungeli, P.S. Mungeli, Tahsil and District Mungeli, Chhattisgarh

---- Applicant

versus

Smt. Swati Tarar (Dewangan), W/o Veeru Prasad Dewangan, R/o Laxmi Nagar, Bangalipara, Pachpedi Naka, P.S. Pachpedi Naka, Ring Road No.1, Tahsil and District Raipur, Chhattisgarh

--- Respondent

For Smt. Swati Tarar	:	Shri C.R. Sahu, Advocate
For Veeru Prasad Dewangan	:	Shri Ravi Kumar Bhagat, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

5.4.2018

1. With the consent of Learned Counsel appearing for the parties, the revisions are heard finally. Since both the revisions arise out of a common order, they are decided together.
2. Both the revisions have been preferred against the order dated 13.4.2017 passed by the 2nd Additional Principal Judge, Family Court, Raipur in Case No.335 of 2016, whereby the Family Court

has allowed the application for grant of interim maintenance and granted an amount of Rs.4,000/- per month in favour of wife Smt. Swati Tarar (Dewangan).

3. Facts of the cases, in brief, are that the marriage between Smt. Swati Tarar (Dewangan) and Veeru Prasad Dewangan was solemnised on 12.2.2016. Soon after the marriage, disputes started between them. A report was lodged by Smt. Swati Tarar. From 27.3.2016, she is living separately at her parental home. She is unable to maintain herself and, therefore, she filed an application for grant of maintenance before the Family Court. Vide the impugned order dated 13.4.2017, the Family Court granted her interim maintenance of Rs.4,000/- per month. Criminal Revision No.425 of 2017 has been preferred by her for enhancement in the amount of interim maintenance and Criminal Revision No.450 of 2017 has been filed by her husband Veeru Prasad Dewangan challenging the grant of interim maintenance.
4. Shri C.R. Sahu, Learned Counsel appearing for Smt. Swati Tarar (Dewangan) submits that Veeru Prasad Dewangan, husband of Smt. Swati Tarar is an owner of a utensil shop at Mungeli. He owns an agricultural land also. Looking to his earnings, the amount of interim maintenance granted is on lower side and the same deserves to be enhanced suitably.
5. Per contra, Shri Ravi Kumar Bhagat, Learned Counsel appearing for husband Veeru Prasad Dewangan submits that looking to the income of Veeru Prasad Dewangan, the impugned order granting interim maintenance is bad in law. The amount of interim maintenance granted is on higher side. The husband earns

Rs.4,000 to 5,000/- per month only. Therefore, the amount of interim maintenance deserves to be reduced suitably.

6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. There is no dispute that the husband owns a shop of utensil, but there is no evidence about his income from that shop. There is no evidence available to show that what income he earns from his agricultural land. Looking to the social and financial status of the parties, the impugned order granting interim maintenance of Rs.4,000/- per month is just and proper.
8. Consequently, both the revisions are dismissed.

Sd/-
(Arvind Singh Chandel)
Judge