

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 521 of 2018

Rajesh Sonwani S/o Shri Manglu Sonwani, aged about 28 years R/o Nawagaon Thana- Kharora, District- Raipur (C.G.)

--- Applicant

Versus

1. Smt. Kiran Sonwani D/o Shri Siyal Das Ratre
2. Satish Sonwani S/o Rajesh Sonwani, aged about 3 years
3. Nitesh Sonwani, S/o Rajesh Sonwani, aged about 3 years

Both minors are represented through Mother

All are R/o Village- Dhaneli, Thana- Sejbahar, Distt.- Raipur (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Rakesh Dubey, Advocate
For Respondents	:	Mr. A.D. Kuldeep, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

01/10/2018

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 06/02/2018 passed by the First Additional Principal Judge, Family Court, Raipur in Criminal Case No. 355/2017, whereby the learned Family Court has granted monthly interim maintenance of Rs. 3000/-, Rs. 2000/- and Rs. 1500/- in favour of respondent No. 1, respondent No. 2 and respondent No. 3, respectively.
3. Learned counsel for the applicant submits that through respondent No. 1 is legally wedded wife, she is residing separately without any reasonable

cause. The applicant herein is a poor villager and is working as daily wages labour. His daily earning is totally depends on luck and in absence of any job, he occasionally engaged in Riksha pulling to survive him. He neither has regular source of income nor any security. Looking to the poor state of affair, the impugned order is highly unjustified and arbitrary.

4. Learned counsel for the respondent submits that the applicant is the director of Fancy Store and got earning of Rs. 40,000/- from the said work, therefore, the interim maintenance is just and proper.
5. I have heard learned counsel for the parties and perused the material available.
6. Admittedly, respondent No. 1 is legally wedded wife of the applicant and respondents 2 & 3 are legitimate child of applicant. Presently, the respondents are residing separately. Respondent No. 1 is residing separately with reasonable cause or not is a matter of evidence. Since, respondent No. 1 is wife and respondents 2 & 3 are children of the applicant, residing separately and are unable to maintain themselves, therefore, the learned Family Court has rightly granted interim maintenance in favour of them.
7. With regard to the amount granted by the Family Court, it is clear from the perusal of the record that the applicant has admitted the fact that he has cart, sells fancy items and his father is having 2 acres of agricultural land. Though, he has said that he earns Rs. 3000/ to 4000/- from selling of fancy items which is not reliable, but he earns Rs. 40,000/- to 50,000/- from the sale of Fancy items is also not established prima-facie. In

these circumstances, the interim maintenance as awarded by the Family Court is on higher side.

8. Looking to the financial status of the applicant, the order of interim maintenance passed by the Family Court is modified to the extent that now the applicant shall pay Rs. 2000/- to respondent No. 1, Rs. 1000/- to respondent No. 2 and Rs. 1000/- to respondent No. 3 as monthly interim maintenance instead of Rs. 3000/-, Rs. 2000/- and Rs. 1500/-, respectively. This modification in the interim maintenance shall be effective from today.
9. Accordingly, the revision is partly allowed to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge