

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.642 of 2018

Sippi Upveja, S/o Shriram Upveja, aged about 34 years, R/o Village Near Gurudware, New Khursipar, Thana Khursipar, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

1. Resham Upveja, W/o Sippi Upveja, S/o Shivcharan Sahani, aged 25 years,
2. Minor Simaran Upveja, D/o Sippi Upveja, aged about 1 year, minor through mother Resham Upveja, R/o Village Vrinda Nagar, Near Hanuman Temple, Thana Chhawani, Tahsil and District Durg, Chhattisgarh

--- Respondents

For Applicant	:	Shri Bharat Rajput, Advocate
For Respondents	:	Shri Anurag Khatri, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27.11.2018

1. With the consent of Learned Counsel appearing for the parties, the matter is heard finally.
2. The instant revision has been preferred against the order dated 3.5.2018 passed by the Principal Judge, Family Court, Durg in Case No.1280 of 2017, whereby the Family Court has granted interim maintenance of Rs.5,000/- per month in favour of Respondent No.1 and that of Rs.1,000/- per month in favour of Respondent No.2.
3. It is not in dispute that Respondent No.1 is legally wedded wife of the Applicant and Respondent No.2 is their legitimate child. It is also not in dispute that both the Respondents are residing separately from the Applicant.

4. Shri Bharat Rajput, Learned Counsel appearing for the Applicant submits that the Applicant has no shop and the pleading of the wife/Respondent No.1 in this regard has no substance. The Applicant sells only locks and keys through a barrow in front of Tiwari Cloth Stores. He has no individual permanent shop in any market. No documentary evidence is available on record to the effect that he owns a permanent shop. From the pleadings of the wife/Respondent No.1, it also reflects that whatever he earns, he spends the same in his bad habits, which has no substance. Therefore, looking to his income, the grant of interim maintenance of total Rs.6,000/- per month in favour of the Respondents is on higher side and deserves to be reduced suitably.
5. Shri Anurag Khatri, Learned Counsel appearing for the Respondents submits that the Applicant owns a shop, namely, Laxmi Tala and Chabi at Circular Market, Camp-2, Bhilai and earns Rs.40,000/- per month and, therefore, the grant of interim maintenance of total Rs.6,000/- per month in favour of the Respondents is just and proper.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. Having considered the arguments advanced, the material available and the earning capacity of the Applicant, I find that the grant of interim maintenance of Rs.5,000/- per month in favour of the wife/Respondent No.1 is on higher side and deserves to be reduced. Therefore, the interim maintenance of Rs.5,000/- per month granted by the Family Court in favour of the wife/Respondent No.1 is reduced from Rs.5,000/- to Rs.2,500/- per

month payable with effect from today. The interim maintenance of Rs.1,000/- per month granted in favour of the child/Respondent No.2 is just and proper.

8. Consequently, the revision is allowed in part to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge