

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (227) No. 876 of 2017

Vikas Menghani, S/o Sh. Dharamdas Menghani, Aged About 37
Years R/o Plot No. 23, Sector-1, Geetanjali Nagar, Raipur
Chhattisgarh

---- Petitioner

Versus

Pragati Menghani Alias Khushbu Motwani S/o W/o Vikash
Menghani Aged About 30 Years D/o Mohanlal Motwani, In Front Of
Jaggi House Narmada Road Jabalpur Madhya Pradesh

---- Respondent

For petitioner - Shri Vinod Deshmukh, Advocate.
For respondent – Shri Sushil Sahu, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

05/01/2018

Heard.

1. Instant petition is against the order dated 24/10/2017 whereby an amount of maintenance of Rs.20,000/- per month has been awarded to the respondent/wife.
2. Learned counsel for the petitioner would submit that perusal of the order would show that for each hearing Rs.20,000/- has been ordered for which cannot be made which is unjustified as the total income of the husband is Rs.40,000/- per month. Consequently, maintenance awarded is grossly illegal which requires to be set aside.
3. Learned counsel for the respondent vehemently opposes the same and would submit that respondent/wife has been subjected to torture and she was forced to leave her house because of the cruelty metted out to her. It is further contended that he is owner of five business including restaurant and 4-5 lakhs income is estimated from all the five business, therefore maintenance which has been awarded it is not illegal.
4. Perused the order of the court below as also application filed under

section 24 of the Hindu Marriage Act. In the application for maintenance, it is stated that the applicant/husband is the owner of Jai Ambe Agro Industries Raipur, Bhavan Industries Raipur, Meghani Industries Raipur and one restaurant in the name of Goli Vada Pao is being run by the applicant wherefrom he is earning Rs.4-5 lakhs per month. Reply to the application under Section 24 of the Hindu Marriage Act would show that there is no specific denial has been made about income. It is stated by the husband that wife is able to earn her livelihood and is working with Santiago Life Science & Accilex Critical Care. Considering the overall facts of the case, reply and the prayer made by the wife, taking into inter-se relation in between the parties, in the opinion of this court it would be proper to direct the petitioner/husband to pay an amount of Rs.15,000/- per month to the respondent/wife till the adjudication of the case before the court below and in respect of the arrears entire amount shall be paid to the wife within a period of 45 days from today.

5. With such observation, petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE