

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.691 of 2018

Abhinav Sur, S/o Dr. C.N. Sur, aged about 38 years, resident of 48/345,
Bairan Bazar, Tahsil and District Raipur, Chhattisgarh

---- Applicant

versus

Smt. Ojal Sur, W/o Abhinav Sur, aged about 28 years, resident of C-170,
Shailendra Nagar, Tahsil and District Raipur, Chhattisgarh

--- Respondent

and

Criminal Revision No.938 of 2018

Smt. Ojal Agrey (Sur), W/o Abhinav Sur, aged about 28 years, resident of
C-170, Shailendra Nagar, Raipur, Chhattisgarh

---- Applicant

versus

Abhinav Sur, S/o Dr. C.N. Sur, aged about 38 years, resident of 48/345,
Bayron Bazar, Raipur, Chhattisgarh

--- Respondent

For husband Shri Abhinav Sur	:	Ms. Reena Singh, Advocate
For wife Smt. Ojal Sur	:	Shri J.K. Gupta, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22.10.2018

1. Both the revisions are listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, the revisions are heard finally.
2. Since both the revisions arise out of a common order, they are decided together by this common order.
3. The revisions have been preferred against the order dated 21.5.2018 passed by the Family Court, Raipur in Case No.96 of 2018.

4. It is not in dispute that both the parties are husband and wife. Their marriage was solemnised on 6.2.2016 and presently they are residing separately. An application under Section 125, Cr.P.C. was moved by the wife before the Family Court, wherein a separate application for interim maintenance was also preferred. Vide the impugned order dated 21.5.2018, the Family Court allowed the application for interim maintenance and granted Rs.15,000/- per month as interim maintenance to the wife.
5. The husband has moved Criminal Revision No.691 of 2018 against the impugned order dated 21.5.2018 on the ground that the wife is residing separately without any reasonable cause. Presently, he is jobless and he has no means to pay her anything. She is working with one Disha College and, therefore, she is able to maintain herself. In these circumstances, she is not entitled to get any maintenance from him.
6. Criminal Revision No.938 of 2018 has been preferred by the wife for enhancement in the amount of interim maintenance on the ground that the husband is getting about Rs.6,45,000/- per month from various types of works, but ignoring this fact, the Family Court has granted interim maintenance of Rs.15,000/- per month only, which is on lower side and deserves to be enhanced suitably.
7. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
8. It is not in dispute that presently, the wife is residing separately from the husband. Whether she is residing separately with a reasonable cause or not is a matter of evidence and, therefore, this issue is to be adjudicated later on. Therefore, presently, she is

entitled to get interim maintenance from the husband.

9. It was pleaded by the husband that presently he is not working with Sparsh Automobiles, but he has admitted the fact that earlier he was working as an Event Manager with Sparsh Automobiles and was getting Rs.30,000/- per month as salary. As mentioned in the document Annexure R-1, he runs a company in his name, namely Abhinav Enterprises. Hence, it is clear that *prima facie*, he has sufficient means to maintain the wife. As pleaded by him, presently, the wife is working with one Disha College, but there is no document available on record on the basis of which it could be inferred that she is being paid anything by said Disha College.
10. In view of the foregoing, I find that the grant of interim maintenance of Rs.15,000/- per month to the wife is just and proper and does not warrant any interference by this Court.
11. Consequently, both the revisions are dismissed.

Sd/-

(Arvind Singh Chandel)
Judge