

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 793 of 2018**

Tikam Rao Mohite S/o Lakhan Rao Mohite, aged about 43 years R/o Sai Nagar, Behind Hotel Babylon, Phaphadih Raipur, Distt. - Raipur (C.G.)

**---- Applicant**

**Versus**

Smt. Arati Mohite W/o Tikam Rao Mohite, aged about 29 years R/o Sai Nagar, Behind Hotel Babylon Phaphadih, Raipur (C.G.).

At present C/o Shri Satish Jadhaw Daganiya Raipur, Distt. Rapur (C.G.) Mob. 9827133455.

**---- Respondent**

---

|                |   |                                 |
|----------------|---|---------------------------------|
| For Applicant  | : | Mr. Akhand Pratap, Advocate     |
| For Respondent | : | Ms. Aprajita Gaikward, Advocate |

---

**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**22/10/2018**

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 25/05/2018 passed by the First Additional Principal Judge, Family Court, Raipur in MJC No. 76/2018, whereby the learned Family Court has allowed the application preferred under Section 125 Cr.P.C and granted interim maintenance of Rs. 3500/- monthly in favour the respondent/wife.
3. There is no dispute on the point that the respondent is legally wedded wife of the applicant and at present residing separately.
4. Counsel for the applicant submits that the respondent herself had left

her matrimonial house and never returned. She is residing separately without reasonable cause, therefore, she is not entitled to get any maintenance from the husband. He further submits that the applicant is getting only Rs. 5000/- monthly and his parents and sister are dependent upon him, therefore, interim maintenance of Rs. 3500/- as granted by the Family Court is on higher side.

5. Learned counsel appearing on behalf of the respondent/wife submits that looking to the social status of both the parties and financial status of the applicant, the Family Court has rightly granted the interim maintenance.
6. I have heard counsel for the parties and perused the material available.
7. The respondent/wife is residing separately without reasonable cause or not is a matter of evidence. Since, she is legally wedded wife of the applicant and is residing separately, and she is unable to maintain herself, therefore, she is certainly entitled to get interim maintenance from the husband.
8. With regard to the interim maintenance amount, it was pleaded by the respondent/wife that the applicant/husband is working with one private Aero and Agro Chemical Factory, Bhanpuri, Raipur and getting Rs. 15000/- monthly payment. The applicant has admitted the fact that he is working with the said company, but as pleaded by the husband/applicant, he is getting Rs. 5000/- per month. One salary certificate for the month of April, 2018 has also been submitted by the applicant. From the above, prima-facie, it appears that the applicant is

getting about Rs. 5000/- monthly salary.

9. Looking to the above facts, Rs. 3500/- as interim maintenance granted by the Family Court, is on higher side, which should be reduced.
10. Therefore, the order of the Family Court is modified to the extent that now the applicant shall pay Rs. 3000/- as interim maintenance to the respondent/wife inspite of Rs. 3500/-. The above modification shall be effective from the date of order passed by the Family Court.
11. Consequently, the revision is partly allowed to the extent indicated above.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**