

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 950 of 2018**

Umesh Patel S/o Shri Radhelal Patel, aged about 34 years, R/o Behind Dr. S.N. Shukla Clinic Masanganj, Thana- Civil Lines, Bilaspur, Civil & Revenue Distt.- Bilaspur (C.G.), at present office Addrs. Head Post Office, Jay Stambh Chowk, Raipur, Distt.- Raipur (C.G.).

---- Applicant**Versus**

Smt. Sushila Patel W/o Shri Umesh Patel D/o. Late Shri Sunder Lal Patel, aged about 34 years, R/o Chantapara Near Head Post Office, Behind Dr. Hotchandani Old Clinic, Thana- Civil Lines, Bilaspur, Civil & Revenue Distt.- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Dr. Sanjeet Sharma, Advocate
For Respondent	:	Mr. Anumeh Shrivastava, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****29/10/2018**

1. With the consent of both the parties, the matter is heard finally.
2. This revision has been preferred against the order dated 23/07/2018 passed in MJC NO. 115/2018 by the Principle Judge, Family Court, Bilaspur, whereby the Family Court has granted Rs. 5000/- as interim maintenance in favour of the respondent/wife.
3. Counsel for the applicant submits that though the respondent is legally wedded wife of the applicant, she is residing separately without reasonable cause, therefore, she is not entitled to get any interim maintenance from the applicant. He further submits that the applicant/husband is getting only Rs. 4555/- monthly salary after all

deductions. But inspite of this fact, the Family Court has granted interim maintenance of Rs. 5000/- in favour of the wife/respondent, therefore, the order of the Family Court may be quashed.

4. Counsel appearing on behalf of the respondent supported the impugned order.
5. There is no dispute on the point that the respondent is legally wedded wife of the applicant. Whether she is residing separately with reasonable cause or not, is matter of evidence. With regard to interim maintenance, there is also no dispute on the point that the applicant is working as Postal Assistant in the Post Office Department and his gross monthly salary is Rs. 47991/-. His salary certificate dated 23/03/2018 shows that after all deductions, he is getting net pay of Rs. 30555/-. Though, counsel for the applicant had submitted that the applicant obtained a home loan and monthly installment of which is Rs. 20800/-, statement of account shows that the said account is on joint names of the applicant and his father- Radhelal. Therefore, prima-faice, it is not established that the applicant is individually paying the home loan.
6. In these circumstances, looking to the earning capacity of the applicant, the interim maintenance passed by the Family Court, in my considered view is just and proper and requires no interference.
7. The revision has no merit. The same is liable to be and hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge