

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.1947 of 2018**

- Ajay Kumar Gyanchandani S/o Mr. Ashok Kumar Gyanchandani Aged About 38 Years R/o Hemukalani Chowk, Sindhi Colony, Gondiya Maharashtra, Address - Maa Shakti Agency, Behind Vitthal Rukmani Mandir, Yadaw Chowk, Gondiya Maharashtra., District : Gondiya *, Maharashtra

---- Petitioner**Versus**

1. Smt. Kiran @ Muskan W/o Mr. Ajay Kumar Gyanchandani Aged About 36 Years D/o Mr. Ghanshyam Das Kodwani, R/o Sector - 4, H.No. D-249, Devendra Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Raunak Kumar Gyanchandani S/o Mr. Ajay Kumar Gyanchandani Aged About 7 Years Minor Through The Mother Smt. Kiran @ Muskan Gyanchandani, R/o Sector - 4, H.No. D-249, Devendra Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

PRESENT:-

Shri Ankur Agrawal, counsel for petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/09/2018**

1. This petition under Section 482 of Cr.P.C. is directed against order dated 28-04-2018, by which, the Court below has granted interim maintenance of Rs.10,000/- to respondent No.1 (wife) and Rs.5,000/- to the respondent No.2 (Son) in a proceedings under Section 125 Cr.P.C.
2. Assailing correctness of the impugned order, learned counsel for the petitioner argued that the Court below has awarded exorbitant amount of interim maintenance at this stage, when there is no enquiry made with regard to financial status of the petitioner. He would submit that the wife has not come out with any clinching documentary evidence of alleged income of the petitioner. It is further submitted that the petitioner is only working as an associate of his father in the family business and

he is given only pocket money.

3. Award of interim maintenance at this stage appears to be based on the affidavit and averments of the parties. In the application, the wife has stated that the husband is carrying on wholesale business of confectioneries and this fact has not been disputed in the reply.

4. Considering the aforesaid material on record and as far as the status of the present petitioner is concerned, it is clear that the petitioner has very substantial share in the family business, in which, the petitioner is earning Rs.25,000/- per month, therefore, at this stage, award of interim maintenance of Rs.10,000/- to respondent No.1 (wife) and Rs.5,000/- to the respondent No.2 (Son) does not appear to be of such a nature to warrant interference by this Court under Section 482 of Cr.P.C.

5. In the result, this petition is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
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