

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 30 of 2019**

- Ramakant Verma S/o Ram Khilawan Verma Aged About 22 Years R/o Village- Jarti, Tahsil- Kawardha, District- Kabirdham, Chhattisgarh.

**---- Applicant****Versus**

- Smt. Mamta @ Chandramukhi W/o Ramakant Verma Aged About 21 Years R/o Village- Jarti, Tahsil- Kawardha, District- Kabirdham, Chhattisgarh, Present Address Village- Kusumghata, Police Station And Tahsil- Bodla, District- Kabirdham, Chhattisgarh.

**----Respondent**


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| For Applicant  | : Shri Amit Sahu, Advocate            |
| For Respondent | : Shri Dharmesh Shrivastava, Advocate |

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**Hon'ble Smt. Justice Rajani Dubey****Order On Board****24.7.2019**

1. This revision is directed against the order dated 24.12.2018, passed by the Judge, Family Court, Kabirdham (Kawardha)(CG) in Misc. Cr. Case No. 805/2018, whereby, the Judge Family Court has allowed the application filed by the respondent under Section 125 Cr.P.C. and granted interim maintenance of Rs.2000/- per month.
2. Facts of the case are that the respondent(wife) filed an application before the Family Court under Section 125 Cr.P.C. for grant of maintenance on the ground that she was married to the applicant on 19.4.2014 according to Hindu customs and rituals and after her marriage the applicant and his family members started the respondent treating with cruelty on account of demand of a Car. The applicant was beating her after consuming liquor and ousting

her from the house at any time. On 1.3.2018 she went to her parental house to attend the last rituals of her uncle (father's elder brother) with the applicant, but the applicant left her there and since then she is residing with her parents. She filed application for grant of interim maintenance also. The learned trial court on 24.12.2018 allowed the interim maintenance application of the respondent and granted Rs.2000/- per month as interim maintenance. Hence, this revision.

3. Learned counsel for the applicant submits that the Family Court has committed error of law in awarding interim maintenance of Rs.2000/- per month because the respondent is residing in her parental house without sufficient reason and she has also caused mental harassment to the applicant. There is no FIR lodged by the respondent which shows that the applicant has never tortured his wife. Learned counsel also submits that the court below has failed to consider that the applicant has filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights after receiving the notice of the case, the respondent has filed the application for grant of maintenance, therefore, the order dated 24.12.2018 is liable to be set aside.
4. On the other hand, learned counsel for the respondent supported the impugned order and submits that there is no illegality or infirmity in the order passed by the court below.
5. I have heard learned counsel for the parties and perused the impugned order.

6. This revision has been filed against the order of interim maintenance. For deciding interim maintenance, the trial Court has to see prima facie the relation between the parties and income of the respondent. It is not disputed that the respondent is legally wedded wife of the applicant. Other disputed facts have to be proved during trial by oral and documentary evidence by the parties. The Family Court had granted interim maintenance of Rs.2,000/- per month to the wife which is neither disproportionate nor unreasonable looking to the price index and minimum requirement. The revisioner is husband and he is duty bound to maintain his wife. Therefore, I am of the view that the finding of the trial Court does not suffer any irregularity or illegality.
7. The revision has no merits. Accordingly, it is dismissed. However, the Family Court is directed to dispose of the matter as early as possible.
8. Consequently, I.A.No.1/2019 for grant of stay is also dismissed.
9. Record be sent back to the Family Court.
10. Both the parties shall remain present before the Family Court on

**16.9.2019.**

**Sd/**

**(Rajani Dubey)**

**JUDGE**