

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 309 of 2019**

1. Kaushal Kumar Sande @ Kaushal Sinha S/o Mahendra Kumar Sande Aged About 33 Years R/o Through Lab Care Diagnostic, Infront Of Bachpan Hospital, Mahadevghat Road, Raipur Tahsil And District Raipur Chhattisgarh.
2. Mahendra Kumar Sande S/o Late Ganesh Prasad Sande Aged About 60 Years R/o Village Toshgaon, P. S. Saraipali, District Mahasamund Chhattisgarh.
3. Smt. Nandini Sande W/o Mahendra Kumar Sande Aged About 57 Years R/o Village Toshgaon, P. S. Saraipali, District Mahasamund Chhattisgarh.
4. Smt. Janaki Dadsena W/o Lilesh Dadsena Aged About 45 Years R/o Ahead Shivam Vidhyapeeth, Satyam Bihar Colony, Raipura, Raipur, Tahsil And District Raipur Chhattisgarh.
5. Lilesh Dadsena, aged about 50 years, son of Chamaru Ram Dadsena, R/o ahead Shivam Vidhyapeeth, Satyam Bihar Colony, Raipura, Raipur Tahsil and District Raipur (C.G.)

---- Applicants**Versus**

- Smt. Veena Sinha (Sande) W/o Kaushal Kumar Sande @ Kaushal Sinha Aged About 30 Years R/o Gali No. 4, Mahadev Nagar, Near Pili Building, New Changorabhatha, P. S. D. D. Near Raipur Tahsil And District Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Ms. Sunita Sahu, Adv.
For Respondent	:	Mr. Shivendu Pandya, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.09.2019**

1. This revision has been filed by applicants against the order dated 08.01.2019 passed by learned Additional Sessions Judge (Special Judge of Special Court for trial of C.B.I.) Raipur (C.G.) in Criminal Appeal No. 387/2018 whereby the learned Appellate Court has set-aside the order dated 23.10.2018 passed by Judicial Magistrate First Class Raipur, District Raipur in Criminal M.J.C. No. 611/2016, granting Rs. 5,000/- per month as interim

maintenance in favour of the respondent.

2. Learned counsel for the applicants submits that order passed by the learned Appellate Court is bad, illegal and contrary to the evidence and documents submitted by the applicants. He further submits that the applicant No. 1 regularly paying Rs. 5,000/- as maintenance per month in compliance of interim order dated 30.05.2017 passed by the learned Second Additional Principal Judge, Family Court Raipur, in case No. 256/2016. He next submits that the learned Appellate Court has failed to appreciate that the respondent is working as A.N.M. and posted as A.N.M. City Program Manager, Health Department, Raipur and earns Rs. 11,340/- per month, she is earning Rs. 10,000/- from tuition and tailoring, hence, respondent is able to maintain herself. Next submission of the counsel for the applicants is that the applicant has purchased a house in her favour on loan by registered sale deed dated 27.02.2012 where she is residing. Hence, the interim order dated 08.01.2019 is liable to be set-aside.

3. Learned counsel for the respondent supported the impugned order passed by the Appellate Court.

4. Heard counsel for the parties and perused the material available on record for interim maintenance.

5. The learned Court below has rightly considered on available facts, prima facie and awarded Rs. 5,000/- per month as interim maintenance. This order is not suffering from any irregularity.

6. Considering the material available on record and evidence of the parties, this Court is of the opinion that the order passed by the Court below being fully justified, do not call for any interference by this Court in revision.

7. Accordingly, this revision has no substance and same is

liable to be and is hereby dismissed with a direction to the trial Court to dispose of this matter on co-operation by the parties, as early as possible preferably within six months from the date of receipt of the copy of this order.

Sd/-
(Rajani Dubey)
JUDGE

Vijay Sahu