

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.454 of 2018**

Smt. Renu Singh, W/o Jitesh Singh, 32 years, R/o House No.8/H, Street No.82, Sector 6, P.S. Sector-6, Bhilai, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

1. Jitesh Singh, S/o Shri Chhotu Singh, aged about 33 years, Permanent R/o Ward No.10, In front of Chitragupt School, Chanwaridand, Manendragarh, District Korea, P.S. Manendragarh, Chhattisgarh, Presently R/o H.N. 515, N-2 A.R., C. Sector, Piplani, BHEL, Ward No.63, Bhopal, District Bhopal, Madhya Pradesh, Office at - Staff No.6061540, Traction Motor Department (Stator Machine Shop), BHEL, Bhopal, District Bhopal, P.S. Piplani, Madhya Pradesh
2. Anchala Singh, W/o Chhotu Singh, aged about 55 years,
3. Chhotu Singh, S/o Late Kunwar Singh, aged about 57 years,
4. Subhesh Singh, S/o Chhotu Singh, aged about 25 years,
5. Anuja Singh, D/o Chhotu Singh, aged about 21 years,
Respondents No.2 to 5 all R/o Ward No.10, In front of Chitragupt School, Chanwaridand, Manendragarh, P.S. Manendragarh, District Korea, Chhattisgarh
6. Manisha Singh, aged about 38 years, R/o Village Chirmiri, P.S. Manendragarh, District Korea, Chhattisgarh

--- Respondents

For Applicant	:	Shri Mayank Chandrakar, Advocate
For Respondent No.1	:	Shri Shakti Raj Sinha, Advocate
For Respondents No.2 to 6	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

8.5.2019

1. With the consent of Learned Counsel appearing for the parties, the revision is heard finally.
2. The Applicant is legally wedded wife of Respondent No.1. She filed an application under Section 23(2) of the Protection of Women from Domestic Violence Act before the Judicial Magistrate First Class, Durg. Vide order dated 5.11.2016, the Judicial Magistrate First Class granted interim maintenance of Rs.2,000/- per month in

favour of the Applicant. Against the said order, an appeal was preferred by the Applicant/wife on the ground that the grant of interim maintenance of Rs.2,000/- per month is on lower side. The 7th Additional Sessions Judge, Durg, vide the impugned order dated 21.12.2017 passed in Criminal Appeal No.22 of 2017, dismissed the appeal and affirmed the order of the Judicial Magistrate First Class. Hence, this revision by the wife.

3. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
4. The Appellate Court has dismissed the appeal on the ground that a divorce case is pending before the Family Court between the husband and wife and the wife is getting an interim maintenance of Rs.7,000/- per month in that proceeding. Thus, the wife is getting total interim maintenance of (Rs.7,000 + Rs.2,000=) Rs.9,000/- per month, which is just and proper.
5. Learned Counsel appearing for the Applicant points out that a divorce proceeding is pending between the husband and wife before the Family Court, Bhopal (Madhya Pradesh) and an application under Section 9 of the Hindu Marriage Act filed by the wife is pending before the Family Court, Durg (Chhattisgarh). Therefore, on an application under Section 10 of the Code of Civil Procedure preferred by the wife before the Family Court, Bhopal, vide order dated 30.1.2019, the Family Court, Bhopal has stayed the proceedings pending before it and has also stayed till further orders the order granting interim maintenance to the wife. Therefore, the wife is presently not getting the interim maintenance of Rs.7,000/- per month which was granted by the Family Court,

Bhopal. In these circumstances, it is clear that now the wife is presently getting interim maintenance of only Rs.2,000/- per month ordered by the Judicial Magistrate First Class, Durg. Looking to the financial status and earning capacity of the husband, grant of interim maintenance of Rs.2,000/- per month is on lower side. Therefore, it is enhanced to Rs.5,000/- per month payable with effect from today.

6. The Judicial Magistrate First Class, Durg is directed to decide the case pending before her as early as possible preferably within a period of six months from the date of receipt of this order.
7. Consequently, the revision is allowed to the extent indicated above.

Sd/-

(Arvind Singh Chandel)
Judge