

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 734 of 2019

- Mukesh Chaudhary, S/o Shri Ajab Rao Chaudhary, Aged About 32 Years, R/o Behind Vivekanand Vidyapeeth, Shikshak Colony, Kota, Police Station - Saraswati Nagar, Raipur, Tehsil and District : Raipur, Chhattisgarh

---- Applicant

Versus

1. Smt. Shruti Chaudhary, W/o Mukesh Chaudhary, Aged About 31 Years, (Application No. 1 Before Court Below),
2. Ku. Aaradhya Chaudhary, D/o Mukesh Chaudhary, Aged About 17 Months, Through Her Natural Guardian Smt. Ruchi Chaudhary (Application No. 2 Before Court Below)

Both presently residing at J-1, Krishna Kunj, Davda Colony, Pachpedi Naka, Police Station Tikrapara, Tehsil and District : Raipur, Chhattisgarh

---- Respondents

For Applicant	:	Shri Kashif Shakeel, Adv.
For Respondents	:	None

Hon'ble Smt. Justice Rajani Dubey

Order on board

16.09.2019

The present revision has been filed by the applicant against the order dated 04.05.2019 in Criminal MJC No.85/19 by the First Additional Principal Judge, Family Court, Raipur, whereby the learned Judge has allowed the application under Section 125 of the Cr. P.C. and awarded Rs.8000/- as monthly interim maintenance in favour of the Respondent No. 2(daughter).

2. Learned counsel for the applicant submits that the applicant/husband filed this revision on this ground that the learned

Family Court did not consider that respondent/wife is earning Rs.30,000/-. The Applicant has also submitted before the learned Family Court that he is working as an agent in Tours and Travel company and earns Rs.8000/- to Rs.9000/- per month, but the learned Family Court has awarded Rs.8000/- as interim maintenance to the respondent No.2, which is the actual income of the applicant. Hence, the impugned order is liable to be set aside. In support of his argument, he placed reliance on the decision of Hon'ble Supreme Court in the matter of **Padmja Sharma Vs. Ratan Lal Sharma**¹.

3. None appears on behalf of the Respondent though notice has been served upon them.

4. Heard learned counsel for the applicant and perused the material available on record.

5. This revision is filed against the order of interim maintenance. For deciding the interim maintenance, which is bit on the higher side, the learned trial Court has to see legal relation between parties and what should be the quantum of maintenance to be granted. Only on oral submissions of both the parties, the learned Court below granted interim maintenance as Rs.8000/- per month. The respondent/wife is also doing job in Bank and she is earning Rs.35,000/- per month and the applicant has submitted that his earning is only Rs.8000/- to Rs.9000/- per month.

6. Considering the submissions of applicant, it is ordered that the applicant/husband shall have to pay monthly interim maintenance of Rs.4000/- to the Respondent No.2 instead of Rs.8000/- per month, till final disposal of the case.

7. The trial Court to decide the main petition filed under Section 125

1 (2000) 4 SCC 266

of the Cr. P.C. on cooperation by the parties, as expeditiously as possible, preferably within a period of six months from the next date of hearing.

It is made clear that delay, if any, occurs on behalf of the applicant(husband), then the trial Court shall reconsider the application for interim maintenance.

8. Revision is thus partly succeeds.

yasmin

Sd/-
(Rajani Dubey)
Judge