

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 781 of 2019**

- Nand Lal Chaudhary @ Manoj Chaudhary, S/o Shri Prahlad Chaudhary Aged About 38 Years R/o J - 390, Tilak Nagar Gudhiyari District - Raipur Chhattisgarh.

---- Applicant**Versus**

- Smt. Sonika Chaudhary W/o Nandlal Chaudhary, Aged About 30 Years R/o H I G - 302, Vijayta Complex, New Rajendra Nagar, Raipur, Tahsil And District - Raipur Chhattisgarh.

----Respondent

For Applicant	: Shri Vinay Pandey, Advocate
For Respondent	: Shri R.K. Pali, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****20.8.2019**

1. Heard on admission.
2. This revision is directed against the order dated 28.03.2019, passed by the Second Additional Principal Judge, Family Court, Raipur(CG) in Case No.113/2018, 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.4000/- per month.
3. 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 after her marriage the applicant and his family members started her treating with cruelty on account of demand dowry. On 23.8.2017, the applicant beaten the

respondent due to which she is residing in her parental house. She filed an application for grant of interim maintenance also and the Family Court on 28.3.2019 allowed the application and granted interim maintenance of Rs.4000/- per month. Hence, this revision.

4. Learned counsel for the applicant submits that the order passed by the Family Court is not sustainable under Section 125 (4) Cr.P.C. The respondent(wife) is living in adultery and the applicant has filed some photographs before the family court which clearly shows that she is living with another person, but the family court did not consider this aspect of the matter. He submits that the respondent has refused to live with the applicant and she is living in adultery, therefore, she is not entitled for interim maintenance.
5. 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. He submits that the photographs which were filed before the trial Court were photo shopped and fake.
6. I have heard learned counsel for the parties and perused the impugned order.
7. 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 and she is living separately. 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.4000/- per month to the wife which is neither disproportionate nor unreasonable looking to the price index and minimum requirement. The revisioner/applicant 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.

8. The revision has no merits. The same is dismissed at the motion stage itself. However, the Family Court is directed to dispose of the main petition under Section 125 Cr.P.C. on cooperation by the parties, as early as possible preferably within a period of six months from the next date of hearing.
9. It is made clear that if any delay occurs on behalf of the non-applicant, the Family Court shall reconsider the application for interim maintenance.

Sd/

(Rajani Dubey)

JUDGE