

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 884 of 2019**

- Manoj Baghel S/o Gouri Shanker Baghel Aged About 26 Years R/o Dhanuvardeepa, Dhamanimod, Hasaud, Police Station Hasaud, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

1. Smt. Ramshila Baghel W/o Manoj Baghel Aged About 25 Years

2. Vishwas S/o Manoj Baghel Aged About 2 Years Minor, Through Legal Guardian Mother Smt. Ramshila Baghel (non applicant No.1)

Both R/o Dhanuvardeepa, Dhamanimod, Hasaud, At Present R/o Village Peehrid, Police Station Malkharoda, District Janjgir Champa Chhattisgarh.

----Respondents

For Revisioner/Applicant : Shri Mirza Kaiser Baeg, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****25.7.2019**

1. Heard on I.A. No. 1/2019, application for condonation of delay in filing the revision.
2. For the reasons mentioned in the application, same is allowed and delay of 8 days in filing the revision is condoned.
3. Also heard on admission.
4. This revision is directed against the order dated 12.4.2019, passed by the Judge, Link Family Court Sakti, District Janjgir Champa (CG) in Misc. Cr. Case No. 145/2018, wherein the Family Court had granted interim maintenance of Rs.1500/-

respondent No.1 (wife) and Rs.1000/- to respondent No.2 (son) per month, on their application filed under Section 125 Cr.P.C.

5. Learned counsel for the applicant submits that respondent No.1 could not prove the income of the applicant that he runs a shop and a four wheeler and thereby earning Rs. 15,000/- and Rs.20,000/- respectively and also earning from the agricultural land, therefore, the order is liable to be set aside.
6. Perused and impugned order passed by the Family Court and the material on record.
7. For grant of interim maintenance, the Court has to see prima facie ground regarding the relation between the parties and earning capacity of the husband (applicant). In para 8, the Family Court has observed that respondent No.1(wife) herein, has not proved the income of the applicant four times than the amount claimed (Rs.5000/-), therefore, ordered only for Rs.1500/- to wife and Rs.1000/- to the son (respondents 1 and 2 herein), total Rs.2500/- per month, which cannot be said to be disproportionate or unreasonable looking to the present price index. No other legal issue is raised, therefore, order of the Family Court does not suffer any irregularity or illegality and the same is not liable to be interfered with. Thus, the revision is dismissed at the motion stage itself.

Sd/

(Rajani Dubey)
JUDGE