

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 924 of 2018**

- Yogesh Dewangan, S/o Shri Pawan Dewangan, Aged About 32 Years, Caste Kanwar, R/o Parshuramnagar, Near Malsai Talab, Professor Colony, Tahsil and District- Raipur Office Address Sale Tax Behind Rajbhawan Civil Line, Raipur District- Raipur Chhattisgarh.

---- Applicant**Versus**

1. Smt. Preeti Dewangan, W/o Yogesh Dewangan, Aged About 29 Years Wasu Beauti Parlor, Near Gupta General Store, Parshuramnagar, Near Malsai Talab, Professor Colony, Tahsil and District- Raipur Chhattisgarh.
2. Kanishaka Dewangan, D/o Yogesh Dewangan, Aged About 9 Years Through Mother and Natural Guardian Namely Smt. Preeti Dewangan, Wasu Beauti Parlor, Near Gupta General Store, Parshuramnagar, Near Malsai Talab, Professor Colony, Tahsil and District- Raipur Chhattisgarh.
3. Vedansh Dewangan, S/o Yogesh Dewangan, Aged About 6 Years Through Mother and Natural Guardian Namely Smt. Preeti Dewangan, Wasu Beauti Parlor, Near Gupta General Store, Parshuramnagar, Near Malsai Talab, Professor Colony, Tahsil and District- Raipur Chhattisgarh.

---- Respondents

For Applicant	: Mr. A. P. Sharma, Advocate
For Respondents	: Mr. Suresh Tandon, Advocate

Hon'ble Smt. Justice Rajani Dubey
Order on Board

30.09.2019

1. This Revision has been filed by the applicant against order dated 26.06.2018 passed by the learned First Additional Principal Judge, Family Court Raipur, in Miscellaneous Criminal Case No. 464/2017 whereby the learned Family Court has allowed the interim maintenance application under Section 125 filed by the respondents and granted total Rs. 7,500/- per month to the

respondents as interim maintenance.

2. Before Family Court, respondents (wife and children) filed application under Section 125 of Cr.P.C. against applicant for interim maintenance which was allowed by the impugned order and learned Family Court granted Rs. 4,000/- as a maintenance in favour of the respondent No. 1, Rs. 2,000/- to the respondent No. 2 and Rs. 1,500/- for respondent No. 3. Total 7,500/- as interim maintenance.
3. Learned counsel for the applicant submits that applicant (husband) is working as a peon in Divisional Deputy Commissioner Office and his salary is only Rs. 13,350/- per month so he is unable to pay Rs. 7,500/- per month as interim maintenance. Therefore, the amount of maintenance may be reduced.
4. Learned counsel for the respondent supported the impugned order.
5. For grant of interim maintenance the Family Court has to see prima facie relation between the parties and earning capacity of the husband. Learned Family Court found that applicant is serving in Sales Tax Department and he did not want to disclose his income.
6. The applicant filed his pay slip Annexure A-4 which shows his gross salary is Rs. 14,812/- and net salary is Rs. 13,350/- per month, he also filed affidavit in support of his reply of main petition. In the present case applicant is a peon. Considering the financial condition of the applicant and looking to the facts of the case and also in the light of liability of Rs. 7,500/- per month, it appears to be little bit excessive. Consequently, the petition is partly allowed and the interim maintenance awarded to the respondent for Rs. 7,500/- per month is reduced to Rs. 4,500/- per month.

7. It is ordered that applicant is paid maintenance of Rs. 1,500/- to respondent No. 1, Rs. 1,500/- to respondent No. 2 and Rs. 1,500/- to respondent No. 3, total Rs. 4,500/- is paid by the applicant to the respondent Nos. 1, 2 and 3.
8. The Family Court is directed to decide the matter as early as possible with the co-operation of the parties preferably within a period of six months from the date of receipt of copy of this order.
9. It is made clear that this observation will not affect the merits of the case and if any delay occurs on behalf of the applicant, then the Family Court shall reconsider the application for interim maintenance. Revision is accordingly partly allowed with the aforesaid direction.

**Sd/-
(Rajani Dubey)
Judge**