

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1093 of 2019**

- Mohamad Shoab Ansari S/o Salim Didar Aged About 30 Years R/o Idgaha Road, Farid Nagar Supela Thana Supela, Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant**Versus**

- Iashrat Siddiqi W/o Mohamad Shoab Ansari Aged About 21 Years R/o Madar Teresa Nagar, House No. 41/8, Camp -1, Thana Chhawani Bhilai, Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Respondent

For Applicant	: Shri K.K. Dewangan, Advocate
For Respondent	: None

Hon'ble Smt. Justice Rajani Dubey**Order On Board****25.9.2019**

1. Heard on I.A.No.1/2019, application for condonation of delay in filing the present revision.
2. On due consideration, the application is allowed and delay of 20 days in filing the revision is condoned.
3. Also heard on admission.
4. This revision is directed against the order dated 7.5.2019, passed by the Principle Judge, Family Court Durg (CG) in Misc. Cr. Case No.1267/2018, whereby, the Court below has allowed the application filed by the respondent/wife and granted her interim maintenance of Rs.5000/- per month.
5. Learned counsel for the applicant submits that the Family Court has failed to appreciate that the respondent/wife is living separately

without sufficient reason and amount of maintenance is on the higher side, therefore the order passed by the Court below is not sustainable and the same is liable to be set aside. He submits that direction may be given to the Family Court to decide the main petition as early as possible.

6. For grant of interim maintenance, the court has to see prima facie grounds regarding relation between the parties and earning capacity of the husband. The proceedings under Section 125 Cr.P.C. are of summary nature and are intended to enable destitute wives and children, the latter whether they are legitimate or illegitimate, to get maintenance in speedy manner. The order passed under Section 125 Cr.P.C. is a summary order which does not finally determine the rights and obligations of the parties thereto.
7. Upon due consideration, instead of issuing notice to the respondent, it is directed that the Family Court shall 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.
8. It is made clear that if any delay occurs on behalf of the respondent then the trial Court shall reconsider the application for interim maintenance.
9. The revision is accordingly disposed of at the motion stage itself.

Sd/

(Rajani Dubey)
JUDGE