

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1122 of 2019

- Shri Rahul Khanna S/o Shri Bhimsen Khanna Aged About 31 Years R/o G / 5, Sai Vihar, Shrinagar, Gudhiyari, Raipur Chhattisgarh, Currently Residing At A - 5 /2 Behind Kishore Super Market, Sector - 1, Shankar Nagar, Raipur, Tehsil And District Raipur Chhattisgarh

---- Applicant

Versus

- Smt. Neha Khanna W/o Rahul Khanna Aged About 30 Years R/o Sai Vihar, Shrinagar, Khamtarai, Raipur, Tehsil And District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Ankur Agrawal, Advocate
For Respondent/State	: None present

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/09/2019

Heard on admission.

Present revision is filed against the order dated 28.08.2019 passed by the First Additional Principal Judge, Family Court, Raipur whereby the application filed by the respondent for interim maintenance has been partly allowed after appreciating the facts and income of the applicant.

Facts of the case in brief are that marriage of the applicant and respondent was performed as per Hindu rituals and customs at Raipur on 27.04.2016. It is alleged that after marriage, the applicant and her in-laws used to harass the respondent for demand of dowry.

Counsel for the applicant submits that the order dated 28.08.19 is bad in the eye of law and is perverse, arbitrary and erroneous, therefore it is liable to be set aside. He submits that the court below has not appreciated the income of the applicant rightly and passed the order impugned. He further submits that the learned Family Court has also failed to appreciate that the applicant is earning Rs. 12,000/- per month and he hardly maintains himself therefore the order is liable to be set aside.

I have heard counsel for the applicant.

For deciding the application of interim maintenance, the court has to look into the claim to satisfy that there is a prima facie case for making such an order. It is clear from the order dated 28.08.2019 that the applicant(husband) has mentioned his salary as Rs. 12,000/- per month but in the bio-data of marriage filed by the non-applicant (wife) it is mentioned as Rs. 1,50,000/- per month.

Upon due consideration, instead of issuing notice to the non-applicant, it is directed that the applicant shall pay Rs. 7,000/- per month as interim maintenance to the non-applicant (wife) and the trial court shall decide the main petition under Section 125 Cr.P.C. on cooperation by the parties, at the earliest preferably within a period of six months, from the date of receipt of copy of this order.

It is made clear that if any delay occurs on behalf of the applicant (husband), then the trial court shall reconsider the application for interim maintenance. Revision stands disposed of at the admission stage.

Sd/-

(Rajani Dubey)
Judge