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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.1056 of 2017

Smt. Kalpana Jaiswal, wife of Ravi Jaiswal, aged about 22 years, R/o In front of New CSEB Colony, Tifra, P.S. Sirgitti, District Bilaspur, Chhattisgarh

---- Applicant

versus

Ravi Jaiswal, son of Om Prakash Jaiswal, aged about 24 years, R/o C/12 Akshardham, In front of Intercity Flat D-Mart Bapu Nagar, P.S. City Kotwali, Ahmedabad, District Ahmedabad, Gujarat

--- Respondent

and

Criminal Revision No.11 of 2018

Ravi Jaiswal, S/o Shri Om Prakash Jaiswal, aged about 25 years, R/o C/12, Akshardham Flat, Opposite D-Mart, Bapunagar, Ahmedabad, Gujarat, Pin 380048

---- Applicant

versus

Smt. Kalpana Jaiswal, D/o Shri Ajit Jaiswal, aged about 22 years, R/o In front of CSEB New Colony Beside Tanu Stationery Tifra, P.S. Sirgitti, Tahsil and District Bilaspur, Chhattisgarh

--- Respondent

For Smt. Kalpana Jaiswal	:	Shri B.P. Banjare, Advocate
For Ravi Jaiswal	:	Shri Rakesh Kumar Jha, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10.1.2019

1. With the consent of Learned Counsel appearing for the parties, the revisions are heard finally.
2. Since both the revisions arise out of a common order, they are disposed of by this common order.
3. The revisions have been preferred against the order dated 13.4.2017 passed by the Family Court, Bilaspur in M.J.C. No.38 of 2017, whereby the Family Court has granted interim maintenance of Rs.5,000/- per month in favour of wife Smt. Kalpana Jaiswal.

4. It is not in dispute that Smt. Kalpana Jaiswal is wife of Ravi Jaiswal. Their marriage was solemnised on 28.1.2016. Presently, the wife is residing separately from the husband. She filed an application for grant of maintenance under Section 125 Cr.P.C. She also moved an application for grant of interim maintenance on the ground that she is not able to maintain herself and the husband earns about Rs.3,00,000/- per month by doing business of auto parts and finance. Husband Ravi Jaiswal has denied this fact. However, he did not disclose his earning. Vide the impugned order dated 13.4.2017, the Family Court granted interim maintenance of Rs.5,000/- per month in favour of the wife. Criminal Revision No.1056 of 2017 has been preferred by the wife for enhancement in the amount of interim maintenance and Criminal Revision No.11 of 2018 has been preferred by the husband for setting aside the impugned order granting interim maintenance to the wife.
5. I have heard Learned Counsel appearing for the parties and perused the record with due care.
6. It is not in dispute that the parties are husband and wife and the wife is residing separately from the husband. There is no document on record to show that the wife is employed. There is also no documentary evidence available on record to show that the husband earns about Rs.3,00,000/- per month by doing business of auto parts and finance. In these circumstances, looking to the present price index and the earning capacity of the husband, the grant of interim maintenance of Rs.5,000/- per month is just and proper. Furthermore, the wife is residing separately from the husband for a reasonable cause or not is a matter of evidence.
7. Consequently, I find no merit in both the revisions. They are,

therefore, dismissed.

8. Record of the Court below be sent back along with a copy of this order for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge