

HIGH COURT OF CHHATTISGARH, BILASPUR
Cr.M.P. No.2569 of 2019

1. Lalita Tiwari W/o Sheet Kumar Tiwari, aged about 42 years
 2. Sheet Kumar Tiwari S/o Rambriksh Tiwari, aged about 47 years
- Both R/o Surajpur (wrongly written as Nareshpur), P.S. and District – Surajpur (CG)

----- Petitioners

Versus

Smt. Lalita Tiwari W/o Rambriksh Tiwari, aged about 60 years, R/o Surajpur (wrongly written as Nareshpur), P.S. and District Surajpur (CG)

----- Respondent

For Petitioners : Mr.A.K.Prasad, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/12/2019

1. By way of this CrMP, the petitioners have challenged legality and validity of the order dated 30.8.2019 passed by the 1st Additional Sessions Judge, Surajpur in Criminal Appeal No.31/2019 affirming the order dated 18.4.2019 passed by the Judicial Magistrate First Class, Surajpur in Criminal Case No.308/2017, by which learned JMFC has granted interim maintenance of ₹ 2000/- per month to the respondent, who is mother of petitioner No.2 and mother-in-law of petitioner No.1.
2. Application filed by the respondent/mother under the Protection of Women from Domestic Violence Act, 2005 seeking maintenance from son and daughter-in-law was entertained and interim maintenance of ₹ 2000/- per month was granted to her by the Judicial Magistrate First Class, against which, the petitioners preferred appeal, in which, he remained unsuccessful and

thereafter this CrMP has been filed.

3. Mr.A.K.Prasad, learned counsel for the petitioners, would submit that both the Courts below are concurrently erred in granting interim maintenance to the respondent as she is able to maintain herself and grant of ₹ 2000/- per month as interim maintenance is unwarranted and uncalled for and therefore, it deserves to be set aside.
4. I have heard learned counsel for the petitioners at length and went through the records with utmost circumspection.
5. The trial Court as well as the appellate Court after assessing need of the respondent/mother, who is aged about 60 years, considering her need for maintenance and the fact that her husband is suffering from paralysis and considering the price index, proceeded to grant of ₹ 2000/- per month as interim maintenance, which cannot be said to be excessive warranting interference by this Court in exercise of jurisdiction under Section 482 of the CrPC.
6. Accordingly, the CrMP being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-