

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1235 of 2019

- Ankit Khandelwal, S/o Shri Ishwar Khandelwal, Aged About 32 Years, R/o Opp. Shikarpuri Dharamshala, Samta Colony, Police-Station-Azad Chowk, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Smt. Sapna Khandelwal, W/o Shri Ankti Khandelwal, Aged About 30 Years R/o Krishna Nagar, Pahadi Chowk, Police-Station-Gudiyari, Tahsil and District – Raipur, Chhattisgarh.
2. Master Kriyansh Khandelwal, (Minor) Through Natural Guardian Mother Smt. Sapna Khandelwal, Aged About 4 Years, R/o Krishna Nagar, Pahadi Chowk, Police-Station-Gudiyari, Tahsil and District– Raipur, Chhattisgarh.

---- Respondents

For applicant	:	Mr. Adhiraj Surana, Advocate.
For Respondent No.1 & 2	:	Mr. J.K. Gupta, Advocate.
For Respondent	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/01/2020

Heard.

1. This petition is brought challenging the correctness, legality & propriety of the impugned order dated 17.7.2019 (Annexure-A/1) passed by the learned 2nd Additional Principal Judge, Family Court, Raipur (CG) by which the petitioner has been ordered to pay maintenance amount of Rs.3,000/- & Rs.2,000/- to respondents No.1 & 2 respectively.

2. At the outset, it is submitted that the applicant wishes to press this revision petition only against the grant of maintenance to respondent No.1, who is wife of this applicant and already getting maintenance of Rs.3,000/- per month from this applicant in compliance of the order passed by the learned Family Court under Section 24 of the Hindu Marriage Act, 1955 on an application filed in a divorce petition pending between the parties. The learned Court below has although taken note of this fact that respondent No.1 is already receiving maintenance but without mentioning any reason, the order of additional maintenance has been passed in her favor under Section 125 of CrPC, whereas nowhere it has been mentioned by respondent No.1 that the maintenance which she is getting in divorce case is insufficient. Apart from that, the respondent No.1 herself is working as 'teacher' and thus having earnings of her own. Thus, the impugned order suffers from infirmity and therefore the same is not sustainable.
3. Learned counsel for respondent opposes the submissions and submits that no error has been committed by the learned Family Court in passing the impugned order. It can be seen that a meager amount has been ordered as maintenance in the divorce case, whereas there are materials to show that the applicant is the man of sufficient means. Hence, the order granting additional maintenance to the respondent No.1 does not call for any interference in exercise of revisional jurisdiction and the petition is liable to be dismissed.
4. I have heard both the parties and perused the documents on record.
5. On perusal of the impugned order, it is found that the learned Court below has taken note of the fact that respondent No.1 is already getting maintenance of Rs.3,000/- per month in the divorce case. Although it is mentioned by the petitioner's side in the application that the respondent No.1 is working as a teacher but that has been denied by the respondent No.1. However, no reason has been assigned in the impugned order for grant of additional maintenance to the respondent.
6. Considering the price index, inflation rate and cost of living in the present days, I am of this view that maintenance of Rs.5,000/- in total would have been sufficient for respondent No.1 and being so, the

impugned order needs interference. Accordingly, this petition is allowed in part and the impugned order is modified to the extent that respondent No.1 shall now be entitled for additional maintenance of Rs.2,000/- per month instead of Rs.3,000/- as ordered by the Court below vide impugned order. Rest of the impugned order is maintained.

7. The revision is allowed to the extent indicated above.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha