

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1370 of 2019

Mahmood Baigh S/o Anwar Baigh Aged About 53 Years R/o 959, Friends Colony, Mowa, Raipur, Tehsil And District Raipur, Chhattisgarh.

---- Applicant

Versus

1. Smt. Anisa Parvin W/o Mahmood Baigh Aged About 40 Years R/o Friends Colony, Mowa, Raipur, Tehsil And District Raipur, Chhattisgarh.
2. Azhan S/o Mohmood Baigh Aged About 16 Years Minor, Through Mother Smt. Anisa Parvin, R/o Friends Colony, Mowa, Raipur, Tehsil And District Raipur, Chhattisgarh.
3. Arisa D/o Mahmood Baigh Aged About 13 Years Minor, Through Mother Smt. Anisa Parvin, R/o Friends Colony, Mowa, Raipur, Tehsil And District Raipur, Chhattisgarh.
4. Aafan S/o Mahmood Baigh Aged About 9 Years R/o Friends Colony, Mowa, Raipur, Tehsil And District Raipur, Chhattisgarh.

---- Respondents

For Applicant	: Shri Ankur Agrawal, Advocate.
For Respondents	: Shri Pragalbha Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 31.7.2019 passed by the Learned Second Additional Principal Judge, Family Court, Raipur in Case No. 717 of 2018, by which the applicant has been ordered to pay maintenance of Rs.24,000/- per month to the respondents.
2. It is submitted by counsel for the applicant that the applicant always performed his responsibility for the respondents who are his wife and children and all his savings have been utilized by respondent No.1 in

making purchase of property etc. The applicant who was earlier employed in Qatar has now left the job and come to Raipur to start his own business, therefore, at present the applicant is left with nothing. All the savings and other valuable things he had, are with respondent No.1, therefore, he has no means to pay the interim maintenance granted to the respondents. Prayer is made to set aside the impugned order.

3. Learned counsel for the respondents opposes the submissions made in this respect. It is submitted that the learned Court below has not granted any maintenance to respondent No.1. Respondents No.2, 3 and 4 who are children of the applicant himself. The order has been passed not for payment of maintenance to respondents No.2, 3 and 4, which is also reflected from the order itself that the amount awarded is only to meet the expenses of the education of respondents No.2, 3 and 4. The applicant is a man of means and he is capable of making payment of the interim maintenance as ordered. Hence, there is no substance in this revision petition. Therefore, the revision and the prayer be dismissed.
4. Heard counsel for both the parties and perused the documents present on record.
5. On perusal of the impugned order, it is clear that the interim order passed is only to meet the education expenses of respondents No.2, 3 and 4. The respondents have mentioned in their application that the applicant is at present engaged in business of ready-made clothes and school dresses, also earning of Rs.2,00,000/- per month and the applicant has admitted in his reply that he is engaged in the business as above-mentioned. However, he has denied the income as stated in the application. Therefore, the submission of the applicant that he is left with nothing at present does not hold good ground. According to the

other averments, it appears that the applicant and the respondents had a life style and according to that, the amount ordered in the interim maintenance cannot be said excessive and beyond the capacity of the applicant at this *prima facie* stage. The applicant has all the rights and opportunities to contest the application for maintenance filed by the respondents and raise the grounds in his defence which he has raised in the revision petition. Therefore, I do not find any error or illegality in the impugned order.

6. Hence, this revision petition is dismissed at motion stage.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi