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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.86 of 2021

- Gopal Shankar Gupta, S/o Ram Prasad Gupta, Aged About 35 Years, Caste - Teli, R/o Nagar Panchayat, Pratappur, Ward No.12, Police Station and Tahsil Pratappur, District Surajpur, Chhattisgarh

----- Petitioner

Versus

1. Ranu Gupta, W/o Gopal Shankar Gupta, Aged About 30 Years
2. Risu, S/o Gopal Shankar Gupta, Aged About 3 Years, minor, represented Through Mother Ranu Gupta

Both are by Caste - Teli, R/o Kadiya, Police Station - Chalgali, Tahsil - Wadrafnagar, District- Balrampur Ramanujganj, Chhattisgarh

----- Respondents

For Petitioner

Mr. R. K. Mishra, Advocate

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

01/02/2021

1. The learned Trial Magistrate has granted maintenance of Rs.4,000/- per month to the respondent No.1 and Rs.4,000/- to the respondent No.2, the son, against which revision was preferred and the learned

Revisional Court has dismissed the revision affirming the order of the learned Magistrate, against which the present petition under Section 482 of CrPC has been preferred.

2. Learned counsel for the petitioner submits that the order granting maintenance to the respondents is perverse and contrary to the facts and material available on record, as the respondent No.1 is earning, therefore, the maintenance amount of Rs.8,000/- awarded to the respondents, Rs.4,000/- each, is on higher side, which deserves to be reduced appropriately.
3. I have heard learned counsel for the petitioner and perused the record.
4. The Trial Magistrate after appreciating the oral and documentary evidence has held that the respondent No.1 is the wife of the petitioner and respondent No.2 is the son of the petitioner, out of their wedlock, and proceeded to quantify the amount of maintenance considering the income of the petitioner and came to a conclusion that the

amount of Rs.4,000/- would be appropriate amount for maintenance to the respondent No.1 and Rs.4,000/- to the respondent No.2, which has been called in question in the present petition.

5. The quantum of the maintenance granted to the respondent Nos.1 & 2 cannot be said to be on higher side warranting interference of this Court in this petition under Section 482 of CrPC equally considering the price index, cost of living, education, medical expenses etc.
6. Both the Courts below based on the material available on record have not accepted the argument that the respondent No.1 is living separately from the petitioner without there being any sufficient reason.
7. I do not find any merit in this petition. Accordingly, the CrMP is dismissed at the admission stage itself without notice to the other side.

Sd/-
Sanjay K. Agrawal
Judge