

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 443 of 2015

- Vikash Gupta S/o Dev Prasad Gupta Aged About 26 Years Occupation Service R/o Village Bardar, Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

----- Petitioner

Versus

1. Madhuri Gupta W/o Vikash Gupta Aged About 25 Years;
2. Avi D/o Vikash Gupta Aged About 2 Years Minor and Presented This Petition Through Her Legal Guardian Mother Namely Madhuri Gupta W/o Vikash Gupta

Both are R/o Village Rajpur, Police Station Rajpur, District Balrampur - Ramanujganj Chhattisgarh.

----- Respondents

For Petitioner :- Mr. Pushpendra Kumar Patel, Adv.
For Respondents :- Mr. Gourav Saxena, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

21/01/2021

1. The present CRMP has been filed by the

petitioner under Section 482 of the Cr.P.C. against the order passed by the Revisional Court affirming order of the trial Magistrate granting maintenance of Rs.4000/- to Respondent No.1, wife of the petitioner and Rs.2000/- to Respondent No.2, daughter of the petitioner, total sum of Rs.6000/- per month.

2. Learned counsel for the petitioner would submit that amount granted is excessive and the petitioner is not able to pay the said amount and, as such, he prays for reducing the amount.
3. Learned counsel for the respondents would submit that at para 12 of the impugned order learned Revisional Court relying upon the statement of the petitioner has clearly recorded that petitioner's salary is Rs.17,439/- per month. He further submits that petitioner is working in the Health Department and, as such, amount is reasonable and proper and no interference is required.

4. I have heard learned counsel for the parties, considered their rival submissions herein-above and went through the records with utmost circumspection.

5. The only submission raised by the petitioner is with regard to the quantum of maintenance which has been finally awarded to respondents No.1 & 2 who are wife and daughter of the petitioner. In para 12 of the Revisional Court's order it is clearly mentioned that the petitioner's monthly salary is Rs.17,439/- and taking into consideration, price index, cost of living, expenses and other relevant factors, the trial Court has granted Rs.4000/- per month to the wife and Rs.2000/- per month to the daughter which cannot be said to be on higher side or excessive, as such, I do not find any illegality in the said order warranting interference in the petition under Section 482 of the Cr.P.C.

6. Accordingly, the instant CRMP is dismissed, however, petitioner will deposit the entire

amount of arrears within 30 days from today.

If the amount is not deposited within the stipulated period, the trial Magistrate will proceed in accordance with law.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit