

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 424 of 2021

- Surendra Kumar Maheshwari, S/o Narsingh Maheshwari, Aged About 38 Years, R/o Village Bandhapali, Tehsil Dabhra, District Janjgir Champa, Chhattisgarh. Presently R/o Riddhi Siddhi Cooperative Ration Shop, Near Bhagav Talab Raipura Agrasen Chowk Post Sundar Nagar Raipur, Tehsil and District- Raipur, Chhattisgarh.
---- Applicant

Versus

- Smt. Sulochana Maheshwari, W/o Surendra Maheshwari, Aged About 28 Years, D/o Shri S. L. Khute, R/o Qtr No. 2, Sector 4, Type A, Balco Nagar, Tehsil and District- Korba, Chhattisgarh.
---- Respondent

For Applicant	: Shri Sushobhit Singh, Advocate
For State/Respondent	: Shri Ravi Maheshwari, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08.11.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) Applicant/husband has filed the present revision petition under Section 19 (4) of the Family Court Act challenging the order dated 05.02.2021 passed by the Principal Judge, Family Court, Korba, District- Durg (C.G.) in Case No. 104/2019, whereby the respondent/wife has been granted interim maintenance at the rate of Rs. 4,000/- per month until further orders.
- 5) As per averments in the application under Section 125 of CrPC filed by the respondent/wife, her marriage with the applicant was

solemnized on 14.06.2018 at Balco Nagar Korba and after marriage she was being ill-treated by the applicant and his family members in connection with demand of dowry mentally and physically and ultimately she was ousted from her matrimonial home. It has been contended by her that she has no means of livelihood, she is living with her parents whereas the applicant is running a business of transportation and having sufficient agricultural land. Therefore, she prayed for grant of Rs. 30,000/- per month as maintenance from the applicant.

- 6) Learned counsel for the applicant submits that the Family Court has committed an illegality by allowing interim maintenance in favour of the respondent/wife in view of the fact that the respondent is living separately from the applicant without any just and reasonable cause, she is highly qualified lady whereas the applicant has limited source of income and has the responsibility of maintaining his old parents. In this circumstance the impugned order by the Family Court may be set-aside.
- 7) On the other hand, learned counsel for the respondent/wife supports the impugned order.
- 8) Heard learned counsel for the parties.
- 9) The family Court considering the pleadings of the respective parties, their socio-economic status, looking to the prima-facie allegations of cruelty in connection with demand of dowry on the respondent by the applicant which compelled the respondent for living separately, the source of income of the applicant disclosed by the respondent, the fact that the allegation and counter allegations made by the parties are to be seen in light of the evidence to be adduced by the parties, allowed interim maintenance at the rate of Rs. 4,000/- per month in favour of the respondent/wife. Though the applicant/husband has contended that the respondent/wife is living separately without any just and reasonable cause and is capable of maintaining herself, but all

this has to be decided during the course of trial. This Court finds no illegality or perversity in the impugned order of the family Court warranting any interference.

10) Accordingly, the revision petition being without any substance is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge

Nadim