

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.481 of 2021**

- Madhuri @ Madhu @ Harshita D/o Ram Gopal Sahu, Aged About 26 Years R/o Village Kotarimal, Police Station And Tahsil Gharghoda, District Raigarh, Chhattisgarh, At Present R/o Navapara, Behind Kisan Rice Mill, Jutmil, Tahsil And District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- Harendra Kumar Sahu S/o Sakharam Sahu Aged About 30 Years R/o Village Kotarimal, Police Station And Tahsil Gharghoda, District- Raigarh, Chhattisgarh.

---- Respondent

For applicant	: Shri Shiv Sahu, Advocate on behalf of Shri Jitendra Gupta, Advocate
For respondent	: Shri Krishna Tandon, Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****23.9.2021.**

1. With the consent of both the parties, the matter is heard finally at the motion stage itself.
2. This revision petition has been preferred against order dated 06.7.2021 passed by Judge, Family Court, Raigarh in Misc. Criminal Case No.23/2019 whereby an amount of Rs.2,000/- per month has been granted as interim maintenance to the applicant/wife.
3. Brief facts pertaining to this revision is that present applicant is the wife of the non-applicant and their marriage was solemnized on 07.5.2017 according to the Hindu customs and rituals. It is alleged by the applicant that after some time of the marriage, the non-applicant and his family members started cruelty and harassment towards the applicant both

physically and mentally. Thereafter the applicant filed an application under Section 125 CrPC against the non-applicant/husband, wherein in respect of interim application filed by her, the learned Court below has granted an amount of Rs.2,000/- per month as interim maintenance. The instant revision has been filed to enhance the interim maintenance amount awarded by the trial Court.

4. Learned counsel for the applicant submits that the interim maintenance of Rs.2,000/- awarded by the learned Court below is very meager looking to the salary of the non-applicant, who is working as Assistant Teacher, and is getting monthly salary of Rs.29,193/- as per the salary slip of January 2020, therefore, it is prayed that the petition be allowed and the amount of interim maintenance be enhanced from Rs.2,000/- to Rs.10,000/-.

5. Per contra, learned counsel for the non-applicant/husband submits that the applicant/wife is getting Rs.3,000/- per month as maintenance in domestic violence case from the non-applicant/husband and now as per the impugned order, she is also getting Rs.2,000/- per month as interim maintenance, thereby she is getting total amount of Rs.5,000/- per month as maintenance. The aforesaid amount has been granted as interim maintenance and not as final amount of maintenance, therefore, it cannot be termed as on lower side. Thus, the impugned order does not call for any interference of this Court.

6. I have heard learned counsel for the parties and perused the material available on record.

7. It is not in dispute in this case that the applicant and the non-applicant are wife and husband and as per the impugned order, the applicant/wife is getting Rs.3,000/- per month for her maintenance in domestic violence case from the non-applicant/husband. It is also not in dispute that the non-applicant/husband is working as Assistant Teacher in Education Department and as per the salary slip of January 2020, he is getting Rs.32,595/- as monthly salary. Against his aforesaid income, the applicant has been granted only Rs.3,000/- per month in the domestic violence case and Rs.2,000/- per month in the present case, thereby she is getting total amount of Rs.5,000/- for her maintenance from the non-applicant. Looking to the monthly salary/income of the non-applicant the aforesaid total amount of Rs.5000/- seems to be insufficient for maintenance of the applicant/wife.

8. In the case of ***Rajnish vs. Neha and another*** reported in **(2021) 2 SCC 324**, the Hon'ble Supreme Court has held that the sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort – sustenance does not mean, and cannot be allowed to mean mere survival. The object behind right to maintenance is to ensure that the dependent spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse.

9. As has been stated in the present case, the applicant has been granted only Rs.5,000/- in total as interim maintenance for her. Looking to the monthly salary of the non-applicant/ husband and also considering the observation made by Hon'ble Apex Court in ***Rajnish*** Case (supra),

maintenance granted to the applicant/wife seems to be inadequate, therefore, I feel incline to enhance the amount of interim maintenance from Rs.2,000/- to Rs.8,000/- in this case. Thus, the non-applicant/husband is directed to pay Rs.8,000/- as interim maintenance to the applicant/wife from June 2021 till the disposal of the case in the trial Court.

10. It is made clear that the amount of maintenance of Rs.3,000/- per month granted in Domestic violence case shall be adjusted in the aforesaid amount of Rs.8,000/-.

11. With the aforesaid modification, instant petition is allowed to the extend indicated above.

Sd/-

(N.K. Chandravanshi)
JUDGE