

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.456 of 2021**

- Rupesh Tiwari S/o Shivkumar Tiwari Aged About 37 Years Resident Of Village Ghuturkundi Police Station And Tahsil Pandariya District Kabirdham Chhattisgarh.

---- Applicant**Versus**

1. Smt. Neelam Tiwari W/o Rupesh Tiwari Aged About 30 Years R/o Village Ghuturkundi Police Station And Tahsil Pandariya District Kabirdham Chhattisgarh.
2. Ku. Trisha D/o Rupesh Tiwari Aged About 5 Years Respondent No. 2 Through Legal Guardian / Mother Smt. Neelam Tiwari Aged 30 Years, R/o Village Ghuturkundi Police Station And Tahsil Pandariya District Kabirdham Chhattisgarh.,

---- Respondents

For applicant	: Ms. Reena Singh, Advocate on behalf of Mr. Akhtar Hussain, Advocate
For respondents	: Mr. Dharmesh Srivastava, Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****30.9.2021.**

1. Heard on admission.
2. This revision petition has been preferred against order dated 16.7.2021 passed by Judge, Family Court, Kabirdham (CG) in Misc. Criminal Case No.507/2019 whereby respondents 1 & 2 have been granted monthly interim maintenance to the tune of Rs.6,000/- & Rs.4000/- respectively.
3. Brief facts relating to this revision petition is that the applicant and respondent No.1 are legally wedded husband and wife and their marriage was solemnized on 14.7.2013 according to Hindu marriage customs and rites and respondent No.2. was born out of their wedlock. It is alleged that

after some time of the marriage, respondent No.1 deserted the applicant without any sufficient reason. Thereafter, respondent No.1 filed an application under Section 125 CrPC against the applicant/husband, wherein in respect of interim application filed by her, the learned Court below has granted an amount of Rs.6,000/- & Rs.4,000/- per month as interim maintenance to respondents 1 & 2 respectively. The instant revision has been filed on behalf of the applicant/husband to set aside the order of interim maintenance awarded by the trial Court.

4. Learned counsel for the applicant submits that respondent No.1 has not filed any credible documents before the trial Court regarding income of the applicant and only on the basis of averments made by them, the learned trial Court granted an amount of Rs.10,000/- in total in favour of the respondents which is erroneous and not sustainable.

5. Per contra, learned counsel for the respondents submits that the applicant is a man of sufficient means, having 02 four wheeler vehicles, agricultural land and is also working as Manager in a Crusher plant. Looking to the cost of living in these days, the amount of Rs.10,000/- in total, as interim maintenance granted in favour of the respondents is not on higher side, that too for the expenses of two persons, therefore, order impugned does not call for any interference by this Court.

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

7. Perusal of the impugned order shows that the applicant is having 02 four wheeler vehicles which are said to be light motor vehicles. He is also having agricultural land admeasuring 1.323 hectares in the name of his

father. During the course of arguments, it is stated that the applicant is the only son of his parents. As per the impugned order, the applicant is working as Manager in a Crusher plant, though documents in support of these facts has not been filed as stated by counsel for the applicant, but these facts show that the applicant is man of sufficient means. But since no concrete documents have been filed before the trial Court which would show any fixed income of the applicant, therefore, it seems that the amount granted for interim maintenance to the respondents is some what on higher side. Therefore, I am of the opinion that though the respondents had entitled for interim maintenance, but the same should have been granted in accordance with the income of the applicant to pay the same. Hence, the interim maintenance amount granted by the learned Family Court requires to be modified.

8. On the basis of the above discussion, the revision petition is partly allowed. Interim maintenance granted in favour of respondents 1 & 2 is reduced from Rs.6,000/- to Rs.5,000/- and from Rs.4,000/- to Rs. 3,000/- respectively. This amount shall be payable as monthly interim maintenance to respondents 1 & 2 from the date of passing of the impugned order till the disposal of the case in the trial Court.

Sd/-

(N.K. Chandravanshi)
JUDGE