

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 712 of 2019

1. Gyaneshwar Verma, S/o Sanat Kumar Verma Aged About 28 Years
R/o Ward No.7, Krishna Chowk, Kharora, P.S. Kharora, Tahsil Kharora,
District-Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Smt. Khusboo Verma, W/o Gyaneshwar Verma Aged About 28 Years
R/o Kariyadama Ward No. 03, Kharora, P.S. Kharora, Tahsil Kharora,
District Raipur Chhattisgarh.
2. Durgesh Verma (Minor), S/o Gyaneshwar Verma Aged About 5 Years
Through Next Friend Mother Smt. Khusboo Verma, Aged About 28
Years, W/o Gyaneshwar Verma, R/o Kariyadama, Ward No. 03,
Kharora, P.S. Kharora, Tahsil Kharora, District Raipur Chhattisgarh.

---- Respondents

For Applicant : Mr. L.K. Mishra, Advocate.
For Respondent : Ms. Laxmin Kashyap, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/01/2021

Heard.

1. By this revision petition the order dated 2.2.2019 passed by the
learned Second Additional Principal Judge, Family Court, Raipur is
under challenge.
2. The applicant herein is the respondent in the case No.130/2018 filed
by the respondent, who is applicant in that proceeding under Section
125 CrPC. The application for grant of interim maintenance was
decided by the impugned order in which the application was allowed
and it has been ordered that the applicant shall pay the interim
maintenance of Rs.4000/- to Respondent No.1 and Rs.2000/- to
respondent No.2 during the pendency of the proceeding.
3. It is submitted by counsel for applicant that the learned Family Court
has not given any finding with regard to the income of this applicant

and also not given any consideration to the documents while passing the order for interim maintenance on 2.2.2019. The applicant had filed documents of income certificate dated 4.8.2018, which mentions that the applicant is landless labourer and his yearly income is Rs.50,000/-. He had also filed the statement of his bank account, therefore, income of the applicant was given Rs.5000/- per month according to these documents and the order for interim maintenance passed is beyond his capacity, which is an erroneous finding of the learned Family Court, which is required to be interfered with.

4. Although there had been a representation for the respondent earlier but at the time of argument, no counsel was present to respond to the argument advanced by the applicant counsel.
5. Considered on the submissions made by the applicant counsel and perused the petition and the documents in support of the same. The revision petition is allowed at motion stage. The order of interim maintenance passed by the learned Family Court appears to excessive, therefore, the same is modified. It is ordered that the applicant shall now make payment of Rs.2000/- to respondent No.1 and Rs.1000/- to respondent No.2 during the pendency of the application under Section 125 CrPC. This interim maintenance shall be payable from the date of the order passed by the Family Court.

Sd/-

(Rajendra Chandra Singh Samant)
Judge