

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 625 of 2021

1. Shantanu Pal S/o Shri Janardan Prasad, Aged About 33 Years, R/o Behind R.K. Boot House, Lane No. 2, Telipara, Bilaspur, District Bilaspur (Chhatisgarh).

---- Petitioner/Non-applicant

Versus

1. Smt. Ankita Pal W/o Shri Shantanu Pal, Aged About 26 Years, R/o Q.No. 5 A, Street 4, Sector 10, Bhilai Nagar, District Durg (Chhattisgarh).

---- Respondent/Applicant

For Petitioner	: Mr. Aniket Verma, Advocate.
For Respondent	: Mr. Ganesh Burman, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14/12/2021

- 1) Heard on admission.
- 2) The instant revision has been filed under Section 19(4) of the Family Court Act read with Section 397 of the Code of Criminal Procedure challenging the order dated 17/08/2021 passed by the Principal Family Court, Durg, District Durg (C.G.) in Criminal Case No. 460/2021 whereby respondent has been granted interim maintenance @ Rs. 8,000/- per month from 14/06/2021 till disposal of the case.
- 3) Learned counsel for the petitioner submits that the Court below was not justified in granting interim maintenance to the respondent as though the petitioner is willing to live with the respondent but she herself is living separately without any just and reasonable cause. Further, the respondent is educated and able-bodied person, earning Rs. 20,000/- per month which has been admitted by her before the Family Court whereas the petitioner is residing in Raipur, paying heavy rent has

responsibilities of his old parents. He submits that the petitioner has also resigned from service from Ozone Overseas Pvt. Ltd. On 17/09/2021 and as such he is not in a position to pay interim maintenance to the respondent wife. Therefore, the impugned order is liable to be set aside.

- 4) On the other hand learned counsel for the respondent supports the impugned order.
- 5) Heard learned counsel for the parties.
- 6) The Family Court in the impugned order has observed that the respondent wife on affidavit has stated that petitioner husband is earning Rs. 54,000/- per month and no affidavit in rebuttal has been filed by the petitioner. The petitioner has admitted that he is paying Rs. 10,000 as rent and the respondent wife also admitted that she is earning Rs. 20,000/- per month through temporary job.
- 7) Considering the entire facts and circumstances of the case, the income of the petitioner husband of Rs. 54,000/- per months, the socio economic status of the parties, the present day standard of living, the fact that the document of Annexure A-2 i.e. resignation of the petitioner said to have been obtained by him on 08/11/2021 was not produced before the Family Court, the same cannot be considered by this Court, the case has been fixed for recording of evidence, the Trial appears to be in progress, this Court finds no illegality or perversity in the impugned order granting interim maintenance @ Rs. 8,000/- per month in favour of respondent.
- 8) Accordingly, the revision petition being without any substance is liable to be dismissed at the admission stage itself and is **dismissed** as such.

-Sd/-
(Gautam Chourdiya)
Judge