

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 789 of 2021

1. Ramesh Kumar Anant, S/o Mayaram Anant, Aged About 35 Years, Caste Satnami, Designation Army No. 15417992 X Rank - HAV/ORA C/o. Milatri Hospital Chennai Defense, Colony Road, Chennai (Tamilnadu) - 900032 R/o Village Uchchbhitthi, Post Mahuda, Via Champa, Police Station And Tahsil Champa, District Janjgir Champa (Chhattisgarh).

---- Applicant

Versus

1. Jyoti Anant W/o Ramesh Kumar Anant, Aged About 25 Years, Caste Satnami, R/o Dhelwadhi, Tahsil Katghora, District Korba (Chhattisgarh).
2. Prateek Anant S/o Ramesh Kumar Anant, Aged About 4 Years, Minor Through Legal Natural Guardian Mother Jyoti Anant, Aged About 25 Years, Caste Satnami, R/o Dhelwadhi, Tahsil Katghora, District Korba (Chhattisgarh).
3. Ashvim Anant S/o Ramesh Kumar Anant, Aged About 2 Years, Minor Through Legal Natural Guardian Mother Jyoti Anant, Aged About 25 Years, Caste Satnami, R/o Dhelwadhi, Tahsil Katghora, District Korba Chhattisgarh (C.G.).

---- Respondents

For Applicant : Mr. Satyendra Mahadewa, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09/11/2021

- 1) Heard on admission.
- 2) The applicant has filed this revision petition under Section 19(4) of the Family Court Act challenging the order dated 31/08/2021 passed by the Family Court Camp Court Katghora, District Korba (C.G.) in Case No. 82/2019 whereby respondents have been granted interim maintenance @ Rs. 15,000/- per month.
- 3) As per averments in the application under Section 125 of Cr.P.C. filled by the respondents, the respondent No. 1 is the legally

wedded wife of the applicant and out of their wedlock respondents No. 2 and 3 were born. Since the applicant was torturing and ill treating the respondent No. 1 physically and mentally and was suspecting her fidelity, on 22/08/2019 father of the respondent No. 1 took her back to his house. Respondent No. 1 is physically weak, she is living separately with respondents No. 2 & 3 in rented accommodation, she has no source of earning whereas the applicant is working in Army, earning Rs. 80,000/- per month, he has 15 Acres of agricultural land from which he gets Rs. 10 Lakhs per annum and therefore she prayed for grant of Rs. 20,000/- per month as interim maintenance.

- 4) The family Court considering the pleadings of the respective parties and the entire facts and circumstances of the case granted interim maintenance @ Rs. 15,000/- per month in favour of the respondents by the impugned order which is under challenge in this revision petition.
- 5) Learned counsel for the applicant submits that the Family Court has not properly considered the documents and other material submitted by the applicant. He submits that in fact the respondent No. 1 is living separately without just and reasonable cause. Therefore, the impugned order be set aside.
- 6) Heard.
- 7) Considering the entire facts and circumstances of the case, the fact that the respondents No. 2 and 3 are the minor children of 4 years and 2 years of the applicant living with their mother respondent No. 1, the allegations and counter allegations made by the parties against each other are to be seen in light of the evidence yet to be adduced during trial, the socio economic status of the parties, the present day cost of living, this Court is of the opinion that the award of interim maintenance of Rs. 15,000/- per month by the Family Court cannot be said to be excessive or unwarranted. There is no illegality or perversity in the impugned order of the Family Court.

- 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**

Chandrakant