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HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 859 of 2021**

- Rajiv Prasad Khandey, S/o Suresh Prasad Khandey, Aged About 32 Years, R/o Adarsh Nagar, Kusmunda, District- Korba, Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Madhu Khandey, W/o Rajiv Prasad Khandey, Aged About 30 Years, R/o House No. 208/10/1 Ward No. 35, Shanti Nagar Housing Board Balco Nagar, Police Station Balco, District- Korba, Chhattisgarh.
2. Vivan Kumar Khandey (Minor), S/o Rajiv Prasad Khandey, Aged About 2 Years, Through- Legal Guardian His Mother Smt. Madhu Khandey, R/o Shanti Nagar Housing Board Balco Nagar, Police Station Balco, District- Korba, Chhattisgarh.

---- Respondents

For Petitioner : Mrs. Soniya Kuldeep, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

26.11.2021

1. Heard on admission.
2. This revision has been filed under Section 19 (4) of the Family Court Act against the order dated 03.09.2021 passed by Judge, Family Court, Korba, District- Korba (C.G.) in Cr. M. J. C. No. 60/2019 whereby the Family Court partly allowed the application under Section 125 of Cr.P.C. and awarded interim maintenance amount of Rs 5,000/- per month to Respondent No.1 and Rs. 3,000/- to Respondent No.2 from the date of order.
3. Learned counsel for the petitioner submits that the Family Court without proper appreciation of the material placed before it, wrongly granted interim maintenance of Rs.5000/- in favour of respondent No.1

and Rs.3,000/- in favour of respondent No.2. Respondent No.1 along with respondent No.2 is residing separately from the petitioner without any just and reasonable cause and further that she is fully capable of maintaining herself. Therefore, the impugned order is liable to be set aside.

4. Heard learned counsel for the petitioner.
5. The Family Court considering the fact that respondent No.1 is the legally wedded wife of the petitioner, respondent No.1 has averred that she has no source of income whereas the petitioner orally admitted that he is working in government hospital, the allegation and counter allegation of the parties are matter of evidence, taking into consideration the overall facts and circumstances of the case, partly allowing the application of the respondents granted them interim maintenance of Rs.8000/- per month.
6. Considering the fact that respondents are wife and son of the petitioner, the petitioner is working in government hospital and drawing Rs.30,000/- per month, the present day cost of living, and other material available on record, this Court finds no illegality or perversity in the impugned order of the Family Court.
7. Consequently, the revision petition being devoid of any substance is liable to be dismissed at the admission stage itself and is, accordingly, dismissed.

Sd/-
(Gautam Chourdiya)
 Judge