

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 922 of 2021

1. Kailash Khobragade S/o Bhanudas Khobragade, Aged About 30 Years, R/o Sanjay Nagar Ward No. 14, Devri, District Gondiya (Maharashtra)

**---- Applicant/
Non-Applicant**

Versus

1. Smt. Anjali Khobragade W/o Kailash Khobragade Aged About 27 Years R/o Panchshil Colony, Yadunandan Nagar Ward No. 5, Tifra, District Larkspur (Chhattisgarh).

---- Respondent/Applicant

For Applicant : Mr. Shashi Kumar Kushwaha, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08/12/2021

- 1) Heard on admission.
- 2) The instant revision has been filed under Section 19(4) of the Family Court Act against the order dated 26/11/2021 passed by the Additional Principal Judge, Family Court, Bilaspur, District Bilaspur (C.G.) in Miscellaneous Criminal Case No. 140/2021 whereby respondent has been granted interim maintenance @ Rs. 3,000/- per month from the date of order.
- 3) Learned counsel for the applicant submits that the Court below was not justified in granting interim maintenance to the respondent ignoring the material placed before it. He submits that respondent is earning Rs. 8,000/- per month by working in Basant Saree Center, Sadar Bazar Bilaspur (C.G.) whereas the applicant is unemployed person having no source of income.
- 4) The respondent is living separately from the applicant without any just and reasonable cause and as such she is not entitled

for any maintenance. Therefore, the impugned order is liable to be set aside.

- 5) Heard.
- 6) Considering the entire facts and circumstances of the case, the fact that the respondent is the legally wedded wife of the applicant, the allegations and counter allegations leveled against each other are to be considered in light of evidence to be adduced by parties, the fact that soon after marriage the respondent was allegedly harassed and tortured for dowry by the applicant and his family members, the fact that nothing could be produced by the applicant to show the source of income of the respondent, the reasons assigned by the Family Court in the impugned order for granting interim maintenance, the socio economic status of the parties, the present day cost of living, the document of Annexure A-2 filed by the applicant cannot be considered at this stage and therefore, this Court finds no illegality or perversity in the impugned order granting interim maintenance @ Rs. 3,000/- per month in favour of respondent.
- 7) 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