S. No. 72

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR**

CRM(M) No. 37/2024 CrlM No. 64/2024 CrLM No. 65/2024

Rayees Ahmad Bhat …Petitioner(s)

Through: Mr Ahsan ul Haq, Advocate.

**Vs.**

Romi Jan and Anr. ...Respondent(s)

Through:

**CORAM:**

**HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE**

**O R D E R**

31.01.2024

The petitioner has come up with this petition filed under Section 482 CrPC 1973 for seeking quashment of an order dated 26.08.2023 passed by the court of learned Chief Judicial Magistrate, Shopian in a petition filed under section 125 CrPC by the respondents who are wife and minor son of the petitioner read with order dated 12.12.2023 passed in revision petition by the court of Principal Sessions Judge, Shopian.

In terms of the impugned principal order dated 26.08.2023, the court of Chief Judicial Magistrate, Shopian came to award an amount of Rs. 26,000/- payable in favour of the respondents by the petitioner as an interim monthly maintenance with effect from the date of filing of maintenance petition i.e. 07.06.2023. The order has been passed by the Chief Judicial Magistrate after hearing both sides and taking in view the income status of the petitioner who is a constable in the Jammu and Kashmir Police and even the Revisional court did not find it a fit case to interfere with exercise of discretion of affixation of monthly maintenance amount of Rs. 26,000/.

Petitioner by no stretch of reason can be heard to agitate that amount of Rs. 26,000/- in the present age of inflation is on higher side maintenance for maintaining body and soul of two persons i.e wife and minor son of the petitioner, as such, this court has no reason to interfere with the order so passed by the court of learned Chief Judicial Magistrate, Shopian.

Of course, the final order in the case is yet to be passed by the Chief Judicial Magistrate Shopian in disposing of the petition which is going to settle the controversy between the petitioner and the respondents and would thus govern as to how much is the monthly maintenance payable in favour of the respondents by the petitioner and accordingly the said final outcome would govern the interim maintenance awarded by the Chief Judicial Magistrate Shopian.

Disposed of.

**(RAHUL BHARTI)**
**JUDGE**

**SRINAGAR**
31.01.2024
*Ishaq*

HIGH COURT
JAMMU & KASHMIR AND LADAKH