

(2018) 06 CHH CK 0101

Chhattisgarh High Court

Case No: Criminal Revision No. 396 Of 2018

Priyanka Borkar

APPELLANT

Vs

Sandeep Borkar

RESPONDENT

Date of Decision: June 20, 2018

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Ganesh Barman, P.K.C. Tiwari, Ashutosh Trivedi

Final Decision: Allowed

Judgement

Arvind Singh Chandel, J

1. Advocate Shri Ashutosh Trivedi appearing on behalf of the Respondent undertakes that he shall submit his memo of appearance in the Registry today itself.

2. With the consent of Learned Counsel appearing for the parties, the revision is heard and decided finally.

3. The revision has been preferred against the order dated 24.3.2018 passed by the Family Court, Rajnandgaon in M.Cr.C. No.109 of 2017, whereby the Family Court has granted an interim maintenance of Rs.500/- per month in favour of the Applicant/wife. The Applicant has preferred the instant revision for enhancement in the amount of interim maintenance.

4. It is submitted by Learned Counsel appearing for the Applicant/wife that the Applicant is the legally wedded wife of the Respondent. She is residing separately from him and is unable to maintain herself. The Respondent/husband himself has admitted in his written statement that he is getting salary

of Rs.40,000/- per month. Therefore, looking to the social and financial status of the parties, the amount of Rs.500/- granted as interim maintenance is on lower side and deserves to be enhanced suitably.

5. Learned Senior Counsel appearing for the Respondent/husband submits that the Applicant/wife has acquired a degree of Bachelor of Education

(B.Ed.). She also earns Rs.15,000/- per month by giving private tuitions. The Respondent/husband bears responsibility of his ailing parents and his full salary is spent in their treatment. Therefore, grant of Rs.500/- as interim maintenance is just and proper.

6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.

7. Admittedly, the Applicant is the wife of the Respondent and is residing separately from him. Whether she is residing separately for proper and

sufficient cause or not is a matter of evidence. The Respondent/husband himself has admitted that he is getting salary of Rs.40,000/- per month. There

is nothing on record to show that his parents are ailing and they are under medical treatment in which money of the Respondent is being spent. There

is also nothing on record to show that the Applicant/wife is earning Rs.15,000/- per month by giving private tuitions. In these circumstances, the grant

of Rs.500/- per month as interim maintenance is definitely on lower side.

8. Therefore, taking into consideration the social and financial status of the parties, the amount of interim maintenance granted in favour of the

Applicant/wife is enhanced from Rs.500/- to Rs.3,000/- per month. This enhancement shall be effective from today itself. It is further directed that the

Applicant/wife shall close her evidence before the Family Court within eight months from the date of receipt of this order. If she does not close her

evidence within the stipulated period, the instant order of enhancement in the amount of interim maintenance shall automatically be cancelled.

9. In the result, the revision is allowed in the aforesaid terms.