

(1995) 02 MP CK 0025
Madhya Pradesh High Court
Case No: C.R. No. 95 of 1993

Sarita Malviya

APPELLANT

Vs

Rajendra Malviya

RESPONDENT

Date of Decision: Feb. 20, 1995

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 397
- Hindu Marriage (Amendment) Act, 1956 - Section 24

Citation: (1995) 1 DMC 667

Hon'ble Judges: U.L. Bhatt, C.J

Bench: Single Bench

Judgement

U.L. Bhat, C.J.

Wife of the respondent, dissatisfied with the order passed by the Matrimonial Court u/s 24 of the Hindu Marriage Act has filed this revision petition.

2. Revision petitioner claimed interim maintenance pendente lite at the rate of Rs. 1,000/- per month and Rs. 20,000/- towards expenses. The application was opposed by the respondent husband. The Court awarded Rs. 500/- per month as maintenance pendente lite and Rs. 1,200/- towards expenses. Revision petitioner has filed this revision on the ground that the amounts awarded are too meagre.

3. Respondent receives salary above Rs. 2,000/- after all deductions. Having regard to this circumstance, it does not appear that the rate of maintenance awarded is too low. However, it is clear that the lower Court did not take into consideration the various heads under which the revision petitioner will have to incur expenditure for the conduct of the case. She has to go from Burhanpur, her place of residence, to Jabalpur where the Court is situated, at a distance of above 500 kilometers. The Court thought that three visits to the Court would be adequate. That also is unjustified. The petitioner would not be enabled to prosecute the case adequately by incurring expenditure of Rs. 1,200/-. This amount deserves to be raised suitably.

4, The impugned order is modified by substituting Rs. 2,500/-(Rupees two thousand five hundred) for Rs. 1200/- (Rupees one thousand two hundred). Revision petition is allowed to this extent but without costs.