

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.207 of 2016**

Loknath Dewangan, son of Baharu Ram Dewangan, aged about 27 years,
R/o Ma Durga Mobile, Main Road, Near Rajput Hotel, Birgaon, PS Urla,
Tehsil and District Raipur (CG).

---- Applicant**Versus**

1. Smt. Rukmani Dewangan, aged about 24 years, wife of Loknath Dewangan.
2. Ku. Chanchal Dewangan, aged about 5 years (Minor) D/o Loknath Dewangan.
3. Chandan, aged about 2 years son of Loknath Dewangan (Minor).

Non-Applicant No.2&3 are minor though natural guardian mother Smt. Rukmani Dewangan wife of Loknath Dewangan (Non-Applicant No.1).

All R/o Village Pacheda (Near Chandkhuri), Ahead Zero Point, Tehsil and District Raipur (CG).

Non-Applicants

For Applicant	Shri CK Sahu, Advocate.
For Respondents	Shri DN Prajapati, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/04/2016**

1. By way of this petition, the applicant seeks to challenge the order dated 24.11.2015 passed by the 1st Additional Principal Judge, Family Court, Raipur, in Misc. Criminal Case No.383/2015 whereby the court below has granted interim maintenance to respondent No.1/wife Rs.1200/-, Rs.800/- to respondent No.2 and Rs.500/- in favour of respondent No.3.
2. Learned counsel appearing for the applicant submits that source of income

of the applicant is not much so that he can sustain himself after paying a total amount of Rs.2500/- to the respondents cumulatively. The applicant is working in a mobile shop and his monthly income is not much to afford Rs. 2500/- to be given as maintenance as awarded by the court below. He further submits that respondent-wife has her own source of income by running a beauty parlor and thereby earning sufficient amount to sustain herself, and therefore, the impugned order deserves to be interfered with.

3. Learned counsel appearing for the respondents, however, opposes the revision and submits that the court below has granted only interim maintenance to the respondents. The facts as submitted by the applicant has to be proved by leading proper evidence before the court below and thereafter a final order would be passed determining the amount of maintenance if at all if to be paid to the respondents.
4. Taking into consideration the rival submissions made by either side and also on perusal of the record, this court does not find any infirmity in the order impugned passed by the court below particularly the fact that there are three applicants to the interim maintenance awarded by the court, in as much as, wife is paid Rs.1200/- per month as interim maintenance whereas, the remaining amount is being paid to two children born out of wedlock between the applicant and respondent No.1. In any case it is only an interim maintenance, facts and evidence are still to be thrashed out while leading evidence in the course of determining the application under Section 125 Cr.P.C.
5. Accordingly, the petition fails, the same deserves to be and is hereby dismissed.

Sd/-
(P.Sam Koshy)
JUDGE