

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA(MAT) No. 170 of 2023

Smt. Padma Kashyap **Versus** Kamal Kashyap

23/02/2024	<p>Shri Sumit Singh, counsel for the appellant.</p> <p>Shri Ravindra Sharma, counsel for the respondent.</p> <p>Heard on I.A. No. 2/2023, application under Section 24 of the Hindu Marriage Act for grant of interim maintenance.</p> <p>The appellant, who is in person, also addressed the Court that now her daughter, who is studying in Class 9th would be going to class 10th and she had to incur huge expenses for her studies and that she is now facing financial crisis. She further submits that the husband has sufficient means to survive which would be evident from the salary slip and the other documents showing assets in hold, therefore, till the appeal is decided just to survive the appellant with all dignity she may be granted further interim maintenance apart from the amount of Rs.10,000/- which she is getting from him under Section 127 of CrPC.</p> <p>Per contra, learned counsel for the respondent would submit that she is Teacher imparting education in NIT. He further submits that already Rs.10,000/- is being paid, out of which Rs.6,000/- for daughter and Rs.4,000/- for wife. The husband is also to look after his old aged mother and father, therefore, the amount of Rs.10,000/- is sufficient.</p> <p>We went through the documents filed along with the affidavit and the application under Section 24 of Hindu Marriage Act. The salary slip, which is filed by the husband shows that his gross salary is Rs.93,184/- and after deduction the net salary of Rs.73,970/-. Undoubtedly, she is getting an amount of Rs.10,000/- under Section 127 of CrPC for both herself and her daughter under Section 127 of CrPC.</p>

Having considered the facts and circumstances of the case and considering the rate of inflation and the quantum of the salary, which is being received by the husband and the fact that the present appeal may take some time for hearing, this cannot be continued for an indefinite period and the amount of Rs.10,000/-, taking into account the rate of inflation in the society, cannot be considered to be sufficient. Accordingly, we grant another amount of Rs.10,000/- apart from the amount of Rs.10,000/-, which the appellant is getting under Section 127 of CrPC.

Let paper-book be filed in accordance with C.G. High Court Rules. The respondent is directed to file paper-book within a period of ten weeks.

The amount shall be deducted at source.

Sd/-

(Goutam Bhaduri)
JUDGE

Sd/-

(Radhakishan Agrawal)
JUDGE