



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Misc(Pet.) No. 241/2021

Ankur Jain S/o Shri Raj Kumar Jain, Aged About 28 Years, A/19,  
Vinayak Nagar, Kishangarh, District Ajmer (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.

2. Smt. Neha Jain W/o Ankur Jain D/o Shri Pawan Kumar  
Jain, Aged About 28 Years, By Caste Jain, R/o 23/198,  
Chopasani Housing Board, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Devendra Mahalana

For Respondent(s) : Mr. Anees Bhurat, PP

**HON'BLE MR. JUSTICE MANOJ KUMAR GARG**

**Order**

**19/02/2021**

Instant criminal misc. petition under Section 482 Cr.P.C. has been filed by the petitioner-husband against the order dated 10.11.2020 passed by the learned Judge, Family Court No.1, Jodhpur whereby the learned Magistrate allowed the application under Section 125 Cr.P.C. and directed the petitioner to pay Rs.10,000/- per month to the respondent No.2-wife as interim maintenance.

Counsel for the petitioner submits that the learned Family Court without appreciating the material available on record and without assigning any cogent reason has awarded interim maintenance in favour of the respondent No.2-wife. Counsel submits that the interim maintenance as awarded by the Family Court is on higher side as the petitioner is not having enough



income.

Heard the learned counsel for the petitioner and perused the impugned order passed by the court below.

The impugned order passed by the learned Family Court is an interim order. The final order on the application is yet to be passed by the court below. The learned court below after taking into consideration all the material available before it, has rightly awarded interim maintenance of Rs.10,000/- per month in favour of the respondent No.2-wife. The order impugned do not suffer from any illegality and perversity, hence, no interference is called for from this Court.

The misc. petition stand dismissed accordingly. However, the court below is directed to decide the main application after taking into consideration all the documents and material aspect of the matter as well as statements so recorded before it, within a period of six months from the date of receipt of certified copy of this order.

Stay application also decided accordingly.

**(MANOJ KUMAR GARG),J**

15-Samvedana/-