

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1020 of 2015
Date of Decision: January 13, 2015

Iqbal Singh

...Petitioner

VERSUS

Rajwinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Hardeep Singh, Advocate
 for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 16.04.2014 passed by learned Judicial Magistrate Ist Class, Samana, District Patiala whereby the application for interim maintenance filed by the respondents was allowed and the petitioner has been directed to pay ₹7000/- per month as interim maintenance to the respondents from the date of filing the main petition and for setting aside the judgment dated 27.11.2014 passed by learned Addl. Sessions Judge, Patiala whereby the revision petition filed by the petitioner was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

First of all, I find that against the impugned order dated 16.04.2014 passed by learned JMJC, Samana, a revision has been filed by the present petitioner, which has already been dismissed by learned Addl. Sessions Judge, Patiala vide impugned judgment dated

27.11.2014. Now, the present petition under Section 482 Cr.P.C. has been filed in the guise of second revision. Second revision is not maintainable as per Section 397(3) Cr.P.C.

I have perused the order and judgment passed by the Courts below. As per order of learned JMIC, Samana, the case of present respondents before the Magistrate was that the present petitioner agreed to pay ₹4000/- per month as maintenance in the Panchayat but he never paid the maintenance. It is also the case of present respondents that present petitioner owns three acres of land and minor children respondents No.2 and 3 are school going. On the other hand, case of the present petitioner before the Magistrate was that he is a labourer and the Court held that a labourer earns ₹250/- per day by doing manual labour, which means that he is earning ₹7500/- per month. The income of the agricultural land was also considered and interim maintenance of ₹3000/- to respondent No.1 and ₹2000/- per month to respondents No.2 and 3 each was granted.

In my view, there is no miscarriage of justice nor any illegality, on the face of it, has been committed by the Courts below. In no way, the interim maintenance of ₹3000/- to respondent No.1 and ₹2000/- per month to respondents No.2 and 3 each, can be held as excessive.

Therefore, finding no merit in the present petition, the same is dismissed.

January 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE