

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.13197 of 2015

Date of decision: 11th August, 2015

Kewal Krishan

... Petitioner

Versus

Rinku Sharma and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

In a petition under Section 125 Cr.P.C. for grant of maintenance preferred by wife Rinku Sharma and daughter Harshita against the present petitioner husband Kewal Krishan, the Court of learned Sub Divisional Judicial Magistrate, Phagwara through orders dated 29.07.2013 awarded ₹4,000 per month to the wife and ₹3,000 per month to the daughter as interim maintenance. The same was impugned in revision before the Court of learned Additional Sessions Judge, Kapurthala who through impugned judgment dated 06.01.2015 dismissed the revision petition and thus, upheld the findings of the trial Court. It is against these findings, the petitioner husband has come up in this petition under Section 482 Cr.P.C.

Heard Mr. Deepak Girotra, Advocate representing the petitioner.

It is admitted case of the parties that they entered into a wedlock on 14.11.2007 out of which a daughter Harshita was born who is presently residing with her mother Rinku Sharma. It is the stand of the wife and daughter the dependents that the husband is running a Mobile shop, a car accessories shop and earning ₹50,000 per month. The husband in the stand taken in his reply has denied this income and though has not specifically denied the factum of his avocation has denied the quantum of earnings and the learned lower Court has considered the socio economic status of the parties and awarded interim maintenance.

Certainly, in this era of rising trend of prices and high cost of living, the girl child needs to be given education, nutritious diet and all necessities of life for her good upbringing. Similarly wife needs to fulfill all her day-to-day obligations, pay for residence, clothing etc. and the learned counsel for the petitioner could not convince how such an amount was on the higher side. Moreover, while evaluating interim maintenance, it is invariably the own observation and judicious conclusion drawn by the Court which matters as it is after the parties lead evidence, it could comprehensively look into the actual state of affairs. In the light of own admission of the husband that he is having a shop and the likely needs of the dependents, nothing can be found fault with this maintenance and which has been rightly upheld so by the revisional Court.

The instant petition is certainly without any merit and deserves dismissal and so is dismissed.

(FATEH DEEP SINGH)
JUDGE

August 11, 2015
rps