

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

CRM-M No.21869 of 2015
Date of decision: 9th July, 2015

Rajiv Mittal

... Petitioner

Versus

Master Nischay Mittal 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. Ajay Singla, Advocate for the petitioner.

FATEH DEEP SINGH, J.

This invocation in terms of Section 482 Cr.P.C. prevailing upon this Court to invoke its inherent jurisdiction against an order dated 28.04.2015 (Annexure P1) passed in criminal revision by learned Additional Sessions Judge, Jalandhar on an order dated 27.01.2015 passed by the Court of learned Judicial Magistrate 1st Class, Jalandhar whereby the applicant/wife's prayer for maintenance under the provisions of Section 125 Cr.P.C. stood allowed and the learned Court granted ₹5,000 per month to each of the two minor applicant sons of the revisionist, totaling to ₹10,000 per month.

What is depicted and is highlighted from the contentions of learned counsel for the petitioner Mr. Ajay Singla, Advocate and is well elicited from the records is that out of the wedlock of petitioner Rajiv Mittal and his wife Radha Raman, applicants (now respondents) Master Nischay Mittal and Master Prafull Mittal both minors were born. The applicants have laid claim to maintenance on the ground that their father is working as a teacher of Economics in St. Soldier Divine Public School, Jalandhar while the two children were students of St. Joseph Boys School, Jalandhar in 7th and 5th Classes respectively and therefore, need money for their upkeep, education as well as maintenance. The learned Magistrate having regard to the overall circumstances and status of the parties by way of interim maintenance awarded the same.

It is argued with much elance and force for the petitioner that the wife is also earning, does not absolves the father of his obligation of maintaining the children out of this wedlock commensurate with his economic and social status. Even otherwise, it is duly admitted which is reflected from the orders of the two courts below that even mother of the petitioner is working in Punjab Police as a Constable and therefore, it is not a case where the husband could take the refuge of maintaining his parents or other such obligations. As has been argued on behalf of the respondents, being a pure question of grant of interim maintenance when the parties were yet to lead their respective evidence and the very pleadings of the two sides clearly bear out and as has been held in the impugned order earlier the

husband has taken a falsified plea that he was to maintain his aged parents and subsequently to escape the same has taken up the plea that he is dependent upon his brother, are matters which totally undermines the stand of the petitioner.

The provisions of maintenance are more of summary and of quasi-criminal/quasi-civil nature with the sole object of advancing social cause to prevent vagrancy and destituteness of such dependents in the family. Having regard to the prevalent price index and rising trend of cost of living, the amount so awarded cannot by any reasoning be termed to be illegal or excessive.

Thus, finding no illegality and perversity in the impugned order, the revision petition being wholly devoid of merit needs to be dismissed and stands dismissed accordingly.

(Fateh Deep Singh)
Judge

July 9, 2015
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