

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-36558 of 2015
Date of Decision : 28.10.2015

Jasmail Singh

.....Petitioner

Vs.

Navjeet Kaur and another

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Arunjeet Singh Kakkar, Advocate for the petitioner.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Feeling aggrieved against the impugned judgement dated 7.8.2015 passed by the learned Additional Sessions Judge, Tarn Taran, whereby the revision filed by the petitioner was dismissed, upholding the order dated 29.8.2014 passed by the learned Chief Judicial Magistrate, Tarn Taran, allowing the application of the respondent-wife and minor son under Section 125 Cr.P.C., petitioner has approached this court by way of instant petition under Section 482 Cr.P.C. for setting aside the impugned orders.

Learned counsel for the petitioner submits that the respondent-wife is earning more income than the petitioner. In this regard, he places reliance on Annexure P-2. He further contended that since the petitioner is residing in a rented accommodation, after having been disowned by his parents, it is difficult for him to pay the amount of Rs.7500/- p.m. to the respondents for the

maintenance. He also refers to the rent deed (Annexure P-3) to contend that after paying the rent, sufficient amount is not left with the petitioner to be paid to the respondents for their maintenance. He prays for setting aside the impugned orders, by allowing the present petition.

Having heard learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, the impugned orders passed by the learned courts below deserve to be modified awarding the total amount of Rs.7500/- in favour of the minor son instead of paying an amount of Rs.5000/- p.m. to the respondent wife, she being an earning hand.

So far as the total amount of Rs.7500/- p.m. is concerned, it would not be on higher side for a school going child, particularly in these days of sky rocketing prices. Since the respondent-wife is also serving, she would spend the amount on the maintenance of the son, whichever amount will be required in addition to the amount of maintenance, so as to provide good education to the child. So far as the petitioner is concerned, he is admittedly living all alone and his salary is more than Rs.30000/- p.m. Further, he would not be paying to any stranger, but to his own son. It is the moral, social as well as legal obligation of the petitioner to maintain his minor son and also the wife. Even if it is accepted that respondent-wife is earning sufficient income, still petitioner cannot be absolved from his responsibility to maintain his son.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered

view that ends of justice would be squarely met if the impugned orders are modified to the extent as indicated above. Accordingly, since the respondent-wife is serving in the Government department, the impugned orders would stand modified to the extent that the total amount of Rs.7500/- p.m. would be paid towards maintenance of the minor son-respondent no.2. It is also made clear that if any more amount is required in addition to the above said amount of maintenance of Rs.7500/-, the same shall be spent by the respondent-wife.

In view of the above and leaving the scope of an amicable settlement between the parties open, instant petition is disposed of, with the above said modification in the impugned orders.

No costs.

28.10.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE