

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

CRM-M-42184-2015 (O&M)

Date of Decision: December 14, 2015

Baljot Singh

.....Petitioner

Versus

Amanpreet Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Nitesh Singhi, Advocate
for the petitioner.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for setting aside the impugned order dated 17.07.2015, passed by learned Judicial Magistrate First Class, Ludhiana, allowing the petition granting interim maintenance to the tune of ₹5,000/- (Rupees five thousand only) to the respondent-wife with a further prayer for setting aside the judgment, dated 10.09.2015, passed by learned Additional Sessions Judge, Ludhiana, whereby the revision filed by the petitioner/husband against the order dated

17.07.2015, was dismissed.

Learned counsel contends that the petitioner was earning ₹8,000/- (Rupees eight thousand only) per month and, as such, it is not possible for him (petitioner/husband) to pay a sum of ₹5,000/- as interim maintenance. He further submits that in addition to himself, the petitioner has to maintain his ailing mother and a sister.

I have heard the learned counsel for the petitioner and with his able assistance gone through the material available on record.

As per the allegations levelled by the respondent/wife, her marriage was solemnized with the petitioner/husband on 29.04.2013 as per Sikh rites at Ludhiana. No child was born out of the said wedlock. Due to misbehaviour of the petitioner/husband, the respondent/wife had to leave her matrimonial home. Since she had no means to survive, therefore, she was constrained to file an application under Section 125, Cr.P.C., claiming maintenance. At the same time she also moved an application for grant of interim maintenance.

It was alleged that the petitioner/husband was running an internet cafe under the name and style "***Dhillon Internet***

Cafe” at Ludhiana and earning ₹60,000/- (Rupees Sixty thousand only) per month approximately. It was also alleged that the petitioner/husband had a lot of moveable and immoveable properties and he was also having an additional income of ₹10,000/- (Rupees ten thousand only) per month from the said properties and, as such, the total monthly income of the petitioner/husband was to the tune of ₹70,000/- (Rupees seventy thousand only). The stand of the petitioner/husband was that the respondent/wife was not entitled to any maintenance. He further denied that he was running an internet cafe under the name and style “**Dhillon Internet Cafe**”; and it was also alleged that due to disturbance in the matrimonial life, he had gone under depression and was earning nothing.

On the basis of the material available on record, learned Judicial Magistrate First Class, Ludhiana, held that the petitioner was running an internet cafe and earning a lot and, as such, a sum of ₹5,000/- (Rupees five thousand only) was granted as interim monthly maintenance to the respondent/wife.

Dis-satisfied with the order passed by learned Judicial Magistrate First Class, the petitioner/husband filed a criminal revision petition before the Court of Additional Sessions Judge,

Ludhiana, and the same was also dismissed holding that the petitioner was running an internet Cafe. It was further held that even if it is assumed that he was a skilled labour, then also he might be earning ₹15,000/- (Rupees fifteen thousand only) per month.

Both the Courts below have accorded cogent reasons for awarding a sum of ₹5,000/- (Rupees five thousand only) per month as interim maintenance to the respondent/wife.

While exercising the jurisdiction under Section 482, Cr.P.C., this Court finds no cogent reason to set aside the lucid orders passed by both the Courts below.

Dismissed.

December 14, 2015
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(NARESH KUMAR SANGHI)
JUDGE