

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-43198 of 2015

.....

Date of decision:21.12.2015

Tarsem Singh alias Tarsem Lal

.....Petitioner

v.

Tajinder Kaur and another

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Naveen Batra, Advocate for the petitioner.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 10.6.2015 passed by learned JMJC, Hoshiarpur (Annexure-P.3) and order dated 13.10.2015 passed by learned Sessions Judge, Hoshiarpur (Annexure-P.4) vide which respondents have been granted maintenance pendente lite to the tune of ₹6,000/- per month, the same is arbitrary, illegal, against the settled principal of law.

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

From the record, I find that the learned Judicial Magistrate Ist Class, Hoshiarpur vide order dated 10.6.2015 granted the interim maintenance to present respondents No.1 and 2, namely, Tajinder Kaur (wife) and Harash (minor son) of the present petitioner. Aggrieved from the

order passed by the learned Judicial Magistrate Ist Class, the present petitioner has filed criminal revision petition before the Sessions Court and the learned Sessions Judge, Hoshiarpur, vide judgment dated 13.10.2015 dismissed the revision petition.

From the record, I find that the petitioner has no where mentioned his income in the reply. He has simply stated that he is doing labour work. Learned Judicial Magistrate Ist Class treating him as a labour taken his income from ₹9,000/- to ₹10,000/- per month and granted the maintenance @₹3,000/- per month each to Tajinder Kaur and Harash. A perusal of the record shows that the present petitioner has taken the plea in the written statement that Tajinder Kaur is earning ₹8,000/- to ₹10,000/- by doing tailoring work. There is no such evidence on the record. If as per the allegation of the present petitioner his wife is earning ₹8,000/- to ₹10,000/- per month, then as to how the present petitioner, who is a able bodied person, cannot earn ₹10,000/- per month. In no way, this amount granted as interim maintenance can be held as excessive. In no way, the orders passed by the Courts below can be held as abuse of the process of law or amount to miscarriage of justice. Nowadays, keeping in view the prices of the necessary goods, ₹3,000/- per month each cannot be, in any way, held to be excessive. The mere fact that the petitioner placed on record a certificate showing his salary of ₹5,000/- from a private person is to be seen at the time of final disposal of the application, but nowadays even a labourer earns ₹9,000/- to ₹10,000/- per month by doing manual labour.

I have gone through the orders passed by the Courts below.

[3]

These orders are as per law and do not require any interference from this Court and the same are upheld.

Finding no merit in this petition, the same is dismissed.

December 21, 2015.

(Inderjit Singh)
Judge

hsp