

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

**Criminal Revision No.1434 of 2012
Date of Decision: 24.07.2015**

Manju Batra & another

...Petitioner(s)

Versus

Dinesh Batra

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Guninder Singh Brar, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. M.S. Bedi, Advocate
for the respondent.

HARI PAL VERMA J.(Oral)

Petitioner no.1 - Manju Batra wife of Dinesh Batra and petitioner no.2 – Naman Batra (minor) son of Dinesh Batra have filed the present revision petition against the judgment dated 9.1.2012 passed by learned District Judge, Family Court, Faridabad, whereby petitioner no.2 has been granted maintenance @ Rs.1200/- per month, whereas petitioner no.1 has been declined the claim of maintenance.

Learned counsel for the petitioners fairly concedes that he does not wish to press the claim for maintenance on behalf of petitioner no.1.

Therefore, this petition for grant of maintenance *qua* petitioner no.1 – Manju Batra, the wife, is dismissed as not pressed.

Briefly stated, the petitioner no.1 was married with the respondent on 2.9.2006 at Faridabad. Out of this wedlock, a son namely Naman Batra, petitioner no.2, was born on 27.3.2008. However, dispute arisen between the husband and wife. Petitioner no.1 made allegations of misbehaviour and taunting against respondent. It has been further pleaded that her in-laws had attended the marriage of her younger sister on 5.2.2007, in which, her younger sister was given a car. But as no such car was given in the marriage of the petitioner no.1, she was subjected to maltreatment and cruelty at the hands of her in-laws. It is further alleged that on 20.9.2007, she was given physical as well as mental injury. She was given beatings by the mother-in-law, father-in-law and the respondent. The respondent in collusion with his family members had created such an atmosphere in the house which led to harassment and humiliation to petitioner no.1.

Learned counsel for the petitioners contended that as the petitioner no.2 is minor and fully dependent upon petitioner no.1, who is not an earning hand, whereas the respondent is earning handsomely, as he is carrying his business in the basement in the name and style of Pasupati Electronics and General Store at G.F. Shop No.8, Kalkaji, New Delhi, petitioner no.2, is entitled to have reasonable maintenance.

The respondent-husband has contested the aforesaid claim of petitioners for maintenance on various grounds including that the allegations are baseless and the present petition is not maintainable.

It is stated that it is the petitioner no.1-wife who has withdrawn from the society of the respondent – husband and therefore, she has no right to seek maintenance from the respondent. Rather the respondent-husband regularly asked the petitioner no.1 to join his conjugal company, but petitioner no.1 intentionally and deliberately avoided his company with ulterior motive. Therefore, the respondent is not liable to pay any maintenance even *qua* petitioner no.2 and is the sole responsibility of the petitioner no.1. The respondent has also pleaded that he is handicapped having 68% permanent disability and is hardly earning his livelihood. He is earning only Rs.5,000/- per month with two computers running in his shop at the rate of Rs.10 per hour. It was further pleaded that rather the petitioner no.1 is a Graduate and has done computer course as well as beautician course and presently, she is running a beauty parlour and thus, she can maintain petitioner no.2 quite well.

Learned District Judge, Family Court, vide impugned judgment dated 9.1.2012, has considered the aforesaid claim of the petitioners and concluded that so far as petitioner no.1 is concerned, she is not entitled for the maintenance. However, the petitioner no.2,

who is the minor son, was allowed maintenance @ Rs.1200/- per month from the date of filing of the petition.

Learned counsel for the petitioners while reiterating his claim that he does not wish to press this petition *qua* petitioner no.1, submitted that the maintenance awarded to petitioner no.2 @ Rs.1200/- per month is too meagre an amount in the present scenario. Petitioner no.2 – son has been admitted in the school and is staying with petitioner no.1 – mother. It is not only the legal but also a moral obligation of the respondent - father to maintain his son in a proper manner. The father is required to maintain him.

Admittedly, the petitioner no.2, minor son, is residing with petitioner no.1 – mother. The record reveals that the respondent is an Income Tax Assessee since the year 2004-05, though he has shown his income below the taxable limit, but the fact remains that he is continuously filing his income tax returns since the year 2004-05 and is running a shop in the name of Pasupati Electronics and General Store at G.F. Shop No.8, Kalkaji, New Delhi, which is a commercial place and it is unfathomable that he would be earning @ Rs.5,000/- per month, as argued by learned counsel for the respondent.

Considering the fact that petitioner no.1 has not pressed her claim for maintenance and also considering the inflation rates in the market, the amount of maintenance granted by the Family Court *qua* respondent no.2 is certainly on lower side. The petitioner no.1 is

maintaining the minor son and taking care of his schooling, dress, uniform, transport expenses, books etc., I deem it appropriate to enhance the amount of maintenance to Rs.2,500/- per month.

Accordingly, the judgment passed by learned Family Court is modified to the extent that the petitioner no.2 shall be entitled to claim maintenance @ Rs.2,500/- per month from the date of filing of the present petition.

With the above modification, the present petition is disposed of.

July 24, 2015
AK

(HARI PAL VERMA)
JUDGE