

CRR-1960-2012 (O&M)

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

**CRR-1960-2012 (O&M).
Decided on: August 24, 2015.**

Naresh Kumar

.. Petitioner(s)

VERSUS

Rekha and another

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Rajesh Arora, Advocate,
for the petitioner.**

**Mr.Neeraj Gaur, Advocate,
for the respondents.**

M.M.S. BEDI, J. (ORAL)

The petitioner has challenged the order granting maintenance to the respondents at the rate of Rs.1500/ per month each in proceedings under Section 125 Cr.P.C.

Counsel for the petitioner has made available receipts, indicating that the petitioner is working as Sweeper, to convince this Court that he is earning a sum of Rs.5,873/ by working in a factory called Industriano Private Limited.

On asking of the Court, the petitioner himself present in the Court informs that the said company is manufacturing spare parts for Maruti cars. One of the salary slip has been taken on record.

Document relied upon by the petitioner indicate that

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he is getting cash payment of Rs.5,873/. However, it does not indicate his working hours though he appears to be on the rolls of the above said company. The amount paid to the petitioner does not appear to be the salary paid to him as a whole time employee. The stand taken by the petitioner is now contrary to the plea taken up by him before the Family Court.

It is not out of place to observe here that counsel for the petitioner has stated in the Court on bar on the instructions of the petitioner that he is ready to pay a sum of Rs.1,60,000/ in the Court in order to enable the wife to earn the interest equivalent to the amount of Rs.1,500/ per month which she is getting under the interim order passed by this Court, in case, she is agreed to accept the proposal of divorce. It is not out of place to observe here that petitioner had earlier filed a petition under Section 9 of the Hindu Marriage Act, which stands dismissed.

I have considered the contentions of the counsel for the petitioner that his earning capacity is only Rs.5873/- per month being an employee of M/s Industriano Private Limited on the basis of receipts produced. From the salary slips produced, it is not reflected that he is a whole time employee of the Company which is manufacturing spare parts of Maruti Cars and is getting only a sum of Rs.5873/- per month. Even if one goes by earning of the petitioner as per statutory provisions of Minimum Wages Act, the grant of maintenance @ Rs.1500/- per month to each of the two respondents

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in proceedings under Section 125 Cr.P.C., is bare minimum required for the survival of a human being in the prevailing circumstances of shooting price of living.

No ground is made out for interference in the grant of maintenance awarded by the Family Court @ Rs.1500/- per month to each of the two respondents.

The petition is dismissed.

(M.M.S.BEDI)
JUDGE

August 24, 2015.
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