

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

CRR No.334 of 2013

Date of decision: 22nd July, 2015

Sunil Kumar

... Petitioner

Versus

Pooja

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Vaibhav Jain, Advocate
for the respondent.

FATEH DEEP SINGH, J.

Before venturing into the relative merits of the case of each of the parties to this revision preferred against order dated 09.07.2012 passed by the learned appellate Court of Additional Sessions Judge, Gurgaon and thereby upholding orders of learned Judicial Magistrate 1st Class, Gurgaon dated 08.06.2011 whereby allowing the appeal of the wife the Court had awarded maintenance to the wife to the tune of ₹3,000 per month and ₹600 per month was allowed as charges for alternative accommodation.

Undisputedly, marriage between Pooja, the original complainant (now respondent) and Sunil Kumar petitioner took place

on 09.03.2008 at Gurgaon and subsequently the couple developed differences leading to allegations and counter-allegations of harassment, cruelty and domestic violence. The wife filed a complaint under Section 12, 18, 19, 20, 21, 22 & 23 of the Protection of Women under Domestic Violence Act, 2005 (in short, 'the Act') and claiming that she was having no independent means and income and that the husband was an able bodied person and thus, she was entitled to maintenance. The parties led evidence and the learned Judicial Magistrate 1st Class, Gurgaon though orders dated 08.06.2011 allowed the application and which was challenged by the husband before the learned first appellate Court which through the impugned judgment dated 09.07.2012 dismissed the appeal of the husband and thus, affirmed the findings of the trial Court.

Heard Mr. Johan Kumar, Advocate representing the petitioner; Mr. Vaibhav Jain, Advocate for the respondent and perused the records of the case.

It is nowhere substantially established by any documentary means either by the wife or the husband as to the real earnings of the husband, though the wife claims that the husband owns numerous properties and has good income and thus, the Court taking the overall perspective had awarded this maintenance to the tune of ₹3,000 per month. It has been rightly contended on behalf of the respondent that having regard to the price index which is prevalent and the astronomical prices of the essential commodities running a household with minimum requirements, grant of ₹3,000 per month as

maintenance cannot by any means be termed to be illegal or unjustified even if the husband is considered to be a daily wager keeping in view the notified daily wages as on date which is ₹160 per day.

The husband is under bounden duty to maintain his wife commensurate with his status. It is for the husband to maintain and upkeep the wife and since she is not adjusted in the shared household the learned lower Court has considered it appropriate to award ₹600 per month to the complainant wife by way of alternative accommodation charges. Learned counsel for the revisionist could not show how the same was in any manner not in conformity with the principles of socio-economic equity. The provisions are more of social welfare for the betterment of the weaker sex and thus, have to be liberally construed and loosely interpreted. Keeping in view that the learned trial Court has rightly appreciated the evidence and which has been justly done so even by the learned lower appellate Court and there being no illegality or perversity necessitating interference by this Court and there being consistent findings of the two courts below does not merits any indulgence.

The revision petition being hopelessly without any merit stands dismissed. Records be sent back forthwith.

(FATEH DEEP SINGH)
JUDGE

July 22, 2015
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