

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

CRR(F) No.119 of 2013 (O&M)
Date of decision: 10th December, 2015

Kuldeep

... Petitioner

Versus

Jyoti and another

... Respondents

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. Ravi Sharma, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Husband Kuldeep has preferred this revision petition wherein he has sought to challenge the orders dated 11.03.2013 of learned District Judge, Family Court, Sonipat whereby the learned Court below has awarded the wife a sum of ₹2,500 per month and the minor child ₹1,500 per month from 01.01.2011 till pronouncement of the judgment and thereafter @ ₹3,500 and ₹1,500 per month respectively as maintenance allowance.

Heard Mr. Ravi Sharma, Advocate representing the petitioner and perused the records.

The stand of the petitioner husband that their marriage was solemnized on 30.04.2007 and that the minor child Tanmay, a

son, was born to the couple on 10.08.2009. It is the case of the wife that she has no independent source of income whereas the husband is an able-bodied person running a dairy and cultivating farm. Though the husband has sought to shirk from his responsibility of maintaining his wife and the child by leveling insinuations about futility of the wife and the legitimacy of the child which in itself though not only remained un-established and unproved but also reflects upon the conduct of the husband how he has stooped so low so as to escape his obligation of maintaining his wife whom he has thrown out of the matrimonial home. The Court below though has squarely accepted the fact that there is no concrete and cogent proof led by the wife about the income of the husband, however, it has taken note of the admission made by the husband in his cross-examination to the effect that they are living in a joint family with his brother and father and that his brother was running a dairy and on the basis of this stand and the fact that the husband being an able-bodied person is supposed to maintain and upkeep the wife and the minor child who are totally dependent, and has come to a conclusion that the husband in all likelihood was earning ₹10,000 per month.

Learned counsel for the petitioner could not convince this Court how the same was unrealistic and contrary to the stand of the parties and untenable. Thus, in the light of the same, having regard to the cost of living, which is astronomically shooting up by each passing day, the fact that the wife is supposed to maintain herself as well as the child who is getting education need a roof on their heads and

going by the stark realities of life, this Court does not find any illegality or perversity in the findings of the learned Court below.

The revision petition is totally devoid of any merit and stands dismissed as such in limine.

(FATEH DEEP SINGH)
JUDGE

December 10, 2015
rps