

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

CRR (F) No. 77 of 2013

Date of decision: September 09, 2015

Ashok Kumar

----Petitioner(s)

V/s

Meena Kumari and others

-----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. S.K. Tripathi, Advocate for the petitioner.

Mr. Sanjay Vashisht, Advocate for the respondents.

HARI PAL VERMA, J. (Oral)

The petitioner namely Ashok Kumar has filed the present revision petition against order dated 1.3.2013 passed by Family Court, Bhiwani, whereby learned District Judge, Family Court has granted maintenance @ ₹6,000/- to respondent no.1 Meena Kumari (wife) and ₹3,000/- per month each to respondents No.2 and 3 namely Mehak aged 4½ years and Ishika aged about one year (minor daughters).

Briefly stated, the marriage between the petitioner and respondent-wife was solemnized on 13.02.2005 at Village Mehrana and they were blessed with three daughters, but one of the daughters had expired.

Respondents had filed the petition under Section 125 Cr.P.C. and the Family Court, Bhiwani has granted the maintenance @

₹6,000/- to respondent no.1 Meena Kumari (wife) and ₹3,000/- per month each to respondents No.2 and 3 i.e. the daughters, namley, Mehak and Ishika.

Learned counsel for the petitioner has contended that the wife has withdrawn from the society of the husband without there being any reasonable cause and the petitioner had filed the petition under Section 9 of the Hindu Marriage Act on 10.04.2012. However, the said petition has been withdrawn. He further submits that learned Family Court, Bhiwani has awarded maintenance on higher side, as the admitted income of the petitioner is ₹25,000/- per month. He also submits that the petitioner is staying in the urban area whereas the respondents are residing in rural area and, therefore, the cost of living of the petitioner is much higher than that of the respondents, who is residing in rural areas. He also submits that the petitioner is required to take care of his two unmarried sisters and, therefore, the maintenance awarded by the Family Court, Bhiwani is certainly on the higher side.

On the other hand, learned counsel for the respondents submits that the respondent-wife is to maintain her two minor daughters and particularly when she herself is not employed. The father of the petitioner is a retired ASI from the police and is getting handsome amount of pension and the sisters of the petitioner are, therefore, dependent upon his father. The petitioner has no other liability and, therefore, the maintenance awarded by the Family Court, Bhiwani is fully justified.

I have heard learned counsel for the parties and have gone through the paperbook.

Admittedly, the petitioner is working as Statistical Assistant in the Economic and Statistical Department, Haryana which is Class III posts.

Considering the fact that total salary of the petitioner is ₹25,000/-, he has no other liability except his own expenses, whereas the respondents are fully dependent upon the petitioner, I find no reason to differ with the judgment passed by the learned Family Court.

The very purpose of provision of Section 125 Cr.P.C. is to prevent vagrancy and destitution. The petitioner-husband is under legal obligation to maintain the same status of his dependent family members; as he himself maintains. For the needs and requirements of the wife and children, the earning of the husband or his capacity to earn and his commitments, are the relevant factors, which the petitioner is required to adhere. As regards the total salary of Rs.25,000/- being drawn by the petitioner, a total of Rs.12,000/- comes to three members of his family i.e. wife and two minor daughters.

Hence, this Court finds that the maintenance granted by the Family Court, Bhiwani, is fully justified and does not warrant any interference.

Consequently, the present petition is dismissed.

However, Registry is directed to release the amount of ₹15,000/- in favour of respondent No.1(Smt. Meena Kumari) towards

litigation and travelling expenses deposited by the petitioner vide order dated December 11, 2013.

September 09, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**