

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

**CRR 3372 of 2015 (O&M)
Date of Decision: 14.10.2015**

Shiv Charan

--Petitioner.

Vs.

Neeraj @ Preeti

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Gaurav Singla, Advocate
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 16.7.2015 passed by the learned Additional Sessions Judge, Palwal, whereby revision filed by the petitioner was dismissed and the order dated 31.1.2015 passed by the learned Judicial Magistrate 1st Class, Palwal, granting an amount of ₹3,000/- per month to the respondent-widowed daughter-in-law of the petitioner and ₹1,000/- to the child (Grandson of the petitioner), in an application under Section 12 read

with Section 23 of the Protection of Women From Domestic Violence Act, 2005 ('Act of 2005' for short), was upheld, petitioner has approached this Court by way of instant criminal revision petition.

Learned counsel for the petitioner sought and was granted time on 7.10.2015 for getting instructions whether the petitioner was ready and willing to settle the matter amicably. However, learned counsel for the petitioner submits that there are no chances of amicable settlement between the parties. He submits that the impugned orders passed by the learned courts below are illegal on the face of it. He further submits that the respondent is earning handsome income, as she is a qualified lady, whereas petitioner is earning only ₹22,000/- per month. It will not be possible for the petitioner to pay an amount of ₹4,000/- per month to the respondent and her child. He concluded by submitting that since the learned courts below have failed to appreciate this material aspect of the matter, while passing their respective impugned orders, the same are not sustainable in law. He prays for setting aside the impugned orders, by allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, present one has not been found to be a fit case warranting interference at the hands of this Court, while exercising its revisional jurisdiction, which itself is a limited one.

To say so, reasons are more than one, which are being recorded

hereinafter.

A bare reading of both the impugned orders would show that learned courts below have examined, considered and appreciated each and every relevant aspect of the matter, before arriving at their respective judicious conclusions. An amount of ₹4,000/- per month for sustenance of two persons cannot be said to be on higher side, under any circumstances and that too, in these days of sky rocketing prices. This much amount would be required for bare sustenance of two persons. Having said that, this Court feels no hesitation to conclude that learned courts below have committed no error of law, while passing their respective impugned orders.

Relations between the parties is not in dispute. The respondent widowed daughter-in-law of the petitioner and the child are not strangers but his own family members. The respondent widowed daughter-in-law had no control over the destiny which had rendered her widow in the young age. After the death of her husband, his family members including the petitioner have turned blind eye towards the widow as well as her minor son. Perhaps, this was one of the reasons, which forced our Parliament to enact the Protection of Women From Domest Violence Act, 2005.

Petitioner is trying to violate the mandatory provisions of the Act of 2005. Under these circumstances, it can be safely concluded that the learned courts below were well justified in granting bare minimum amount of ₹4,000/- per month as maintenance to the respondent and her minor child, while passing their respective impugned orders and the same deserve to be upheld.

During the course of hearing, when a pointed question was put to the learned counsel for the petitioner to show something even prima facie as to how much the respondent was earning, he had no answer and rightly so, it being a matter of record. Under the peculiar circumstances of the case, it is clearly made out that petitioner is still on better footing than the respondent.

After the death of her husband, life has already become a bed of thorns for the respondent, but unfortunately the family members of deceased husband, including the petitioner, are further bent upon to make it worse for her. On the other hand, it was least expected from the petitioner, to make understand his other family members to take care of the respondent, while supporting her morally as well as financially.

In fact, after a careful perusal of the impugned orders it becomes clear that the learned courts below, while passing their respective impugned orders, also kept in mind the practical situation of the widowed wife. However, the family members, including the petitioner, miserably failed in their duty, thus, it is unhesitatingly held that neither an amount of ₹4,000/- per month granted as interim maintenance, and that too for two persons, is on higher side, nor the impugned orders have been found to be suffering from any jurisdictional error and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this

Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present criminal revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

14.10.2015
AK Sharma