

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRR(F)-146-2015
Date of decision:7.7.2015**

Smt. Anupama and others

...Petitioners

Versus

Fateh Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Mr.Sushil Kumar Verma, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

The present criminal revision petition is directed against the judgment dated 18.5.2015 passed by the learned District Judge (Family Court), Hisar, whereby while deciding the application under Section 125 of the Code of Criminal Procedure ('Cr.P.C.' for short), moved by the petitioners, they were granted an amount of Rs.6,000/- per month.

Learned counsel for the petitioners submits that it is very difficult for the petitioners to maintain themselves by this meager amount of Rs.6,000/- per month for all three petitioners. He further submits that petitioner No.1-wife is a handicapped lady as she is polio affected, whereas petitioners No.2 and 3 are school going children. He concluded by submitting that since the learned Family Court has failed to appreciate the true facts of the case, the impugned judgment is liable to be modified raising the maintenance amount in favour of the petitioners. He prays for allowing the present petition.

Having heard the learned counsel for the petitioners at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, instant one has not been found to be a fit case warranting interference, at the hands of this Court, while exercising its revisional jurisdiction, for the following more than one reasons.

A bare perusal of the impugned judgment passed by the learned District Judge (Family Court), would show that the learned District Judge has considered each and every aspect of the matter in minute details and finally came to the judicious conclusion, granting an amount of Rs.6,000/- per month as maintenance in favour of the petitioners. It has been so ordered by the learned Family Court in spite of the fact that husband-respondent No.1 was found to be earning only Rs.3,000/- per month as he was working with an Advocate in the District Courts, as Clerk/Munshi. Further, nothing contrary has been shown either before the learned District Judge or even before this Court to suggest even remotely that the respondent has been earning handsome amount and he was in a position to pay more amount towards monthly maintenance to the petitioners. Having said that, this Court feels no hesitation to conclude that the learned Family Court committed no error of law, while passing the impugned judgment and the same deserves to be upheld.

Financial status of the family, particularly of the person, who is supposed to pay, is one of the relevant considerations for the purpose of deciding the claim of maintenance under Section 125 Cr.P.C. No doubt,

husband is under legal as well as moral obligation to maintain his wife and children. However, it is equally true that the husband cannot be burdened with such a financial liability which would not be possible for him to discharge. If the amount of monthly maintenance is on the very higher side, the husband would always be either facing contempt or would have to go to civil imprisonment for non-payment of the maintenance amount. In such a situation, no purpose would be served except to bring more bitterness between the two parties, thereby reducing any chances of rapprochement and an amicable settlement. Under these circumstances, it is unhesitatingly held that the learned District Judge has rightly appreciated the true facts of the case brought on record and the impugned judgment deserves to be upheld for this reason also.

During the course of arguments, learned counsel for the petitioners could not point out any patent illegality or jurisdictional error in the impugned judgment passed by the learned Family Court so as to warrant interference at the hands of this Court. In this view of the matter, since the impugned judgment has not been found to be suffering from any patent illegality or perversity, 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 criminal 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 above-said observations made, the instant criminal revision petition stands dismissed, however, with no order as to costs.

7.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE