

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision (F) No. 148 of 2015

Date of decision : July 29, 2015

Sanjay Goyal

....Petitioner

versus

Garima Aggarwal and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Bikram Chaudhary, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

Heard.

Marriage between present revisionist husband Sanjay Goyal and respondent wife Garima Aggarwal was solemnized on 18.6.2005, out of which a minor girl named Baby Gungun was born to the couple. On account of matrimonial dispute the wife and the minor child filed petition under section 125 Cr.P.C. for grant of maintenance. It is through impugned orders dated 3.4.2015, the court of learned District Judge, Family Court, Faridabad allowed interim maintenance of Rs 15,000/- per month to the wife and Rs 5000/- per month to the minor daughter from the date of filing of application along with litigation expenses of Rs 11,000/-. The same is subject matter of challenge before this Court.

With all fairness, learned counsel for the petitioner concedes

the stand of the wife that the husband was running business under the name and style of 'Gogaji Bag House' at Main Market, Old Faridabad and that of the husband that it was owned by his elder brother where he was employed as a helping hand and that the husband has not placed on record any document to support his contention. It is the bounden duty of the husband to maintain the wife commensurate with his status. The learned trial court in exercise of its inherent judicial powers having regard to the circumstances put before the court has come to the conclusion that it was the husband who was running the business and that the husband has failed to substantiate his plea that the wife was gainfully employed and after assessing earnings of the husband has awarded interim maintenance in question. It is a matter of common knowledge as to the rising trend of prices the needs of a growing up child and running of household by the wife who has been separated and therefore, at the interim stage without the parties leading any such prima facie acceptable evidence, it is more of a guess work and hypothetical calculations. Finding nothing illegal or perverse in the conclusion drawn by the court in its exercise of powers, there being no merit in the revision petition, the same stands dismissed.

July 29, 2015
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(Fateh Deep Singh)
Judge