

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision (F) No. 178 of 2015

Date of decision : July 30, 2015

Brij Bhushan @ Shashi

....Petitioner

versus

Pinki and another

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jai Bhagwan, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

Through this revision in terms of section 401 Cr.P.C. revisionist-husband Brij Bhushan @ Shashi has challenged orders of learned District Judge, Family Court, Ambala dated 18.5.2015 passed in the application preferred by petitioner wife Pinki and minor son Vanshu under section 125 Cr.P.C. thereby granting maintenance to the tune of Rs 4000/- per month to the wife and Rs 2000/- per month to the minor son, in all totalling Rs 6000/- per month.

Heard Mr. Jai Bhagwan, Advocate for the petitioner and

perused the record.

It is own admitted stand of the revisionist that the marriage between the couple took place on 29.8.2008 and out of which two children namely Krishu and Vanshu were born out of whom one of the son Krishu is residing with the father. Due to matrimonial dispute, it is the claim of the wife that she along with minor applicant were turned out of the matrimonial home in the month of August, 2013 and since they were totally dependent with no independent source of income sought maintenance for their upkeep. The stand of the wife is that the husband is able bodied person and owns 8 Seaters Van and by plying the same he is earning Rs 25,000/- to Rs 30,000/-, besides having immovable property.

The stand of the husband is that he is working as Ice Cream Vendor and earning Rs 4500/- to Rs 5000/- and is also working subsequently as driver with M/s S.J. International at monthly salary of Rs 5000/- and denied the contention of the wife.

The learned trial court while adjudicating on the maintenance aspect has stressed on the fact that it is the bounden duty of the husband to maintain the wife and children born out of the wedlock since husband admittedly is able bodied person carrying on gainful employment and thus cannot shirk his obligation to maintain dependent family members commensurate with his status. Counsel for the revisionist could not

convince this Court how a sum of Rs 2000/- per month for a minor child who is school going is on the higher side or Rs 4000/- per month qua wife was illegal or perverse having regard to the basic requirements of a living being in this modern era coupled with the ever rising price index of essential commodities such an amount cannot be termed to be excessive or perverse to the facts on the record and law. The overall maintenance can rather be termed to be just and adequate and not excessive. There appears to be no illegality or perversity in the findings of the trial court. The revision petition being hopelessly without any merit stands dismissed in limine.

July 30, 2015
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(Fateh Deep Singh)
Judge