

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

**CRR(F)191 of 2015**

**Date of Decision: August 19, 2015**

Lalit Kumar

...Petitioner

Versus

Smt. Hema and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Dinesh Arora, Advocate  
for the petitioner.

**FATEH DEEP SINGH, J.**

**CRM No.25181 of 2015**

Heard on application for condonation of delay in filing of revision petition.

In view of the grounds mentioned in the application for condonation of delay and in the light of settled position that a litigant cannot be denied access to justice on hyper technical grounds and in the interest of justice taking a lenient view, delay of 58 days in filing the petition stands condoned.

CRM stands disposed off.

**CRR(F) 191 of 2015**

Respondent-wife Hema and her minor son Dhruv have initially filed an application for maintenance under Section 125 of the Cr.P.C. against husband Lalit Kumar, present revisionist. The Court of learned District Judge (Family Court) Bhiwani through impugned orders dated 10.3.2015 allowed the prayer and awarded a sum of ₹4,000/- per month to the wife and ₹1500/- to the minor son by way of

interim maintenance. The same is subject matter of challenge before this Court.

After hearing at length learned counsel for the revisionist, it is the own stand of the parties before the learned lower Court that the marriage between the couple was solemnised on 21.1.2011 out of which a minor son who is presently living with the wife was born. It is the claim of the wife that the husband is working as Senior Officer Information Technology and getting a salary of ₹55,000/- per month. Though, the husband has taken a stand that wife is working in a BITS International School, Bhiwani and getting a salary of ₹6500/- per month and the fact that wife has deserted him disentitled her to any relief. The learned lower Court while appreciating the stand of the wife and that as a interim arrangement being without any sufficient source of income had to take a temporary job to sustain herself and her minor child cannot be purely taken into account denying the wife her right to maintain and so her minor son. Though, it is argued with much vehemence by the learned counsel for the revisionist that she has sufficient earnings to maintain herself at the time of decision of the petition for interim maintenance, however, it needs to be clarified that it is the bounden duty of the husband to maintain the wife commensurate with his social and economic status. The husband cannot escape from his obligation on the grounds that the wife is earning and at the most the same can be considered while fixing the maintenance allowance. Thus, in the totality of the fact that the husband is admittedly shown to be gainfully employed and earning ₹34,000/- per month and having regard to the fact that while fixing interim maintenance it is the perception of the Court considering what is there prima facie on the records and it is only after evidence is led it can be comprehensively adjudicated. The trend of rising prices, needs of the son for his

schooling, maintenance, upkeep and the fact that wife needs to have her own house to live as well as to maintain herself and such an interim amount of ₹5500/- per month cannot be termed to be on the higher side or overwhelming unjust.

Thus, finding no merit in the instant petition the same stands dismissed in limine.

**(FATEH DEEP SINGH)**  
**JUDGE**

**August 19, 2015**  
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