

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.27070 of 2015
and
Criminal Revision No.F-212 of 2015

.....

Date of decision:21.8.2015

Manish Sharma

...Petitioner

v.

Savita Sharma and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Narender Singh, Advocate for the petitioner.

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Inderjit Singh, J.

Cr. Misc. No.27070 of 2015:

For the reasons mentioned in the criminal miscellaneous application, the delay of 73 days in filing the criminal revision is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Revision No.F-212 of 2015:

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 4.3.2015 passed by learned District Judge, Family Court, Ambala, granting maintenance at the rate of ₹4,000/- per month each to petitioners No.2 and 3 (respondents

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No.2 and 3 herein), who are minor children of the petitioner and respondent No.1.

I have heard learned counsel for the petitioner and have gone through the record.

The brief facts of the case are that Savita Sharma along with her two children, namely, Shivam and Samridhi aged about 10 years and about 3 years filed application under Section 125 Cr.P.C. It is submitted in the application that petitioner No.1 is serving as Clerk in District Courts, Ambala and is drawing salary of about ₹19,000/- per month which is not sufficient for the survival, rent, studies and upbringings of petitioners No.2 and 3 (minor children) who are also residing with her. The respondent-husband (petitioner herein) is serving as Chief Engineer at M/s New Swan, Ludhiana and is earning more than ₹40,000/- per month.

On the other hand, the respondent-husband has stated that as Savita Sharma is also serving, there is no need of money. The respondent pleaded that Savita Sharma is getting good salary and is also having other income and had left the company of the respondent without any cause. He also pleaded that he is now jobless and is not earning anything.

The learned District Judge, Family Court, Ambala, after going through the evidence accepted the application for grant of maintenance and granted maintenance @₹4,000/- per month to each of the children.

At the time of arguments, learned counsel for the petitioner-husband argued that he is ready to maintain one child. The maintenance

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granted by the Court is on higher side and further the mother of the children is earning sufficient amount to maintain them.

After hearing learned counsel for the petitioner-husband and after going through the record, I find that there is no merit in the augments of the learned counsel for the petitioner. Father of the minor children is equally responsible and liable to maintain the minor children and to contribute with the mother of the children for maintaining them. Therefore, mere fact that the mother is serving is no ground for not granting maintenance. Otherwise also, it is strange argument that the present petitioner is ready to maintain one child. No ground has been given as to why he is not liable to pay maintenance for the other child. The learned District Judge, Family Court after discussing the fact that the respondent (petitioner herein) had earning capacity of more than ₹40,000/- per month and having admitted that he was having FDRs, correctly passed this order. No illegality has been committed by the learned District Judge, Family Court while passing the impugned order. The granting of amount of ₹4,000/- each per month to the children is not excessive and no interference is required from this Court and the order passed by the learned District Judge, Family Court is upheld.

Therefore, finding no merit in the present criminal revision petition, the same is dismissed.

August 21, 2015.

(Inderjit Singh)
Judge

hsp