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

CRR (F) No.24 of 2015
Date of Decision: January 27, 2015

Bhagwan Singh .... Petitioner

vs.

Chandni and another .... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gautam Pathania, Advocate for the petitioner.

1.Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Challenged in the present revision petition is the judgment dated 14.11.2014, wherein in application under Section 125 of the Code of Criminal Procedure, 1973, the learned District Judge, Family Court, Faridabad granted ₹5,000/- per month to the wife and ₹1,000/- per month to the five years minor son of the revisionist as maintenance.

Learned counsel for the revisionist has challenged the judgment qua the quantum of maintenance only.

I am of the view that ₹1,000/- per month as maintenance to the five years minor cannot be called on higher side and is maintained.

Now coming to the maintenance awarded to the wife, it has been stated that before the trial court, there was no proof that at that time, the revisionist was employed and earning ₹15,000/- per month as held by the learned District Judge, Family Court,

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Faridabad. However, at the same time, it was not denied that the revisionist was a Driver of light vehicle as well as the truck. It was not denied that he was working on daily wages.

I am of the view that in case of a truck driver, it is difficult for a wife to get the documentary proof of his income. The learned District Judge, Family Court, Faridabad assessed the income of the revisionist by way of guess and his earning capacity.

After going through the impugned judgment, I am of the view that a truck driver can easily earn ₹15,000/- per month. It is not a denying fact that a truck driver can work over time. It is the duty of a husband to maintain his wife. Therefore, no fault can be found with the maintenance awarded to the wife, which is merely a subsistence allowance, keeping in view the cost of essential commodities now-a-days.

Thus, there is no ground to interfere in the impugned judgment.

Dismissed.

(KULDIP SINGH)
JUDGE

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