

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.F-254 of 2015

.....

Date of decision:24.9.2015

Suresh Kumar

...Petitioner

v.

Nancy and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. H.S. Jalal, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 23.7.2015 passed by learned District Judge (Family Court), Barnala, vide which maintenance to the tune of ₹7,000/- to applicant No.1-Nancy and ₹3,000/- to applicant No.2-Vansh has been granted.

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

From the record, I find that Nancy aged 26 years wife of Suresh Kumar and Vansh aged about 3 years minor son of Nancy and Suresh Kumar filed an application under Section 125 Cr.P.C. for grant of interim

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maintenance against Suresh Kumar-respondent (petitioner herein) in which the applicants stated that they have no source of income to maintain themselves and the respondent is running a shop in the name and style of New Jindal Handloom (U.P. Wale)and earning about ₹80,000/- per month.

In the reply, the present petitioner, who was respondent before the Family Court, has not given specific income and has simply stated that he is not earning anything and the shop is joint family shop and denied the income.

The learned District Judge (Family Court), Barnala, vide order dated 23.7.2015 by taking into consideration the visiting card of the present petitioner, where he had shown the shop New Jindal Handloom belonging to him, has granted the interim maintenance of ₹7,000/- to applicant No.1 and ₹3,000/- to the minor son. A perusal of the order, in no way, shows that any illegality has been committed by the Family Court while passing the impugned order.

This is a revision petition and in the revision petition the Court is not to re-appreciate the evidence like the Court of appeal. The Court is to see whether the order passed by the learned Court below is illegal, perverse or some material evidence has not been discussed or the evidence has not been discussed in the right perspective. From the record, I find that no illegality has been committed by the Court below and the interim maintenance granted by it, in no way, is excessive.

Therefore, the Court below has correctly passed the order dated 23.7.2015, which does not require any interference from this Court and the

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same is upheld.

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

September 24, 2015.

(Inderjit Singh)
Judge

hsp