

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.31699 of 2015
and
Criminal Revision No.F-257 of 2015 (O&M)

.....

Date of decision:28.9.2015

Jogender

...Petitioner

v.

Geeta and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Anshuman Dalal, Advocate for the petitioner

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Inderjit Singh, J.

Cr. Misc. No.31699 of 2015:

For the reasons mentioned in the criminal miscellaneous application, the delay of 22 days in filing the criminal revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev. No.F-257 of 2015:

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned order dated 3.6.2015 passed by learned District Judge (Family Court), Rohtak, vide which the application filed under Section 125 Cr.P.C. by the petitioners-wife and minor son (respondents herein) of the respondent (petitioner herein) has been allowed

and maintenance @ ₹2,500/- to petitioner No.1-wife and ₹1,000/- to petitioner No.2-minor son per month has been awarded.

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

From the record, I find that first of all the relationship between the parties are admitted. The petitioners Geeta (wife) and Ashish (minor son) (respondents herein) filed application under Section 125 Cr.P.C. against Jogender-respondent (petitioner herein) and it was stated in the application that the respondent is a rich person, who owns a vehicle Tata-407 and also a share holder in three more vehicles. He is also owner of two acres of agricultural land though ownership was in the name of the father of the respondent and he is earning ₹50,000/- per month from the private business and ₹50,000/- from agricultural produce. The petitioners have no source to maintain themselves.

In the reply to the application, the respondent has no where mentioned his income and stated that he has no means of livelihood and is dependent upon his father.

The learned District Judge (Family Court), Rohtak, after discussing the evidence has rightly reached to the conclusion that the respondent is an able bodied person.

From the record, I find that the respondent is an able bodied person and even a manual labourer can earn about ₹300/- per day by doing manual labour. The learned District Judge (Family Court) after discussing the evidence produced by the parties assessed the income of the respondent

(petitioner herein) of ₹9,000/- per month by doing manual labour and it is also held by the Court below that he may have received ₹25,000/- per annum from agricultural produce. From the findings given by the Court below, in no way, it can be held that award of an amount of ₹2,500/- for the wife and ₹1,000/- to the minor son is excessive.

Therefore, the impugned order dated 3.6.2015 passed by the District Judge (Family Court), Rohtak, is correct and as per law and no illegality has been committed by the learned Court below while passing the impugned order.

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

September 28, 2015.

(Inderjit Singh)
Judge

hsp