

CRR(F)-272-2015(O&M)

[1]

In the High Court of Punjab and Haryana at Chandigarh.

**CRR(F)-272-2015(O&M)
Decision: 12.10.2015**

Pawan Sharma

...Petitioner

Versus

Anju and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Dhiman, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 26.08.2015.

Learned counsel for the petitioner has submitted that the trial Court has erred in allowing ₹10,000/- per month by way of maintenance to the respondents. In fact petitioner was working as a casual labourer. The house in Gurgaon was owned by the father of the petitioner.

Petitioner got married to respondent No.1 on 01.07.2006. Respondents No.2 and 3 were born out of the said wedlock. Respondents moved a petition under Section 125 of Criminal Procedure Code, 1973 ("Cr.P.C" for short) seeking maintenance. Vide impugned order, the trial Court by way of interim maintenance allowed ₹5,000/- per month to respondent No.1 and ₹2500/- per month each to respondents No.2 and 3. Hence, the present petition.

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[2]

Provision under Section 125 Cr.P.C. has been incorporated in the Code with a view to provide speedy maintenance to deserted wives and children. The provision has a social object to achieve. The provision is remedial and not punitive.

A perusal of the impugned order reveals that trial Court while assessing the interim maintenance has taken in consideration that petitioner was running a shop in the name and style of "**Chand Singh Communication**". In order to support their case, in this regard respondents had placed on record the photographs. Since, the exact source of income of the petitioner could be determined only after parties led their evidence, the trial Court on the basis of the material on record rightly assessed the interim maintenance liable to be granted to the respondents. The amount of interim maintenance assessed by the trial Court liable to be paid to the respondents, cannot be said to be at a higher side in these days of high prices.

Keeping in view the facts and circumstances of the present case, no ground for interference by this Court, is made out. Anything observed above, will have no bearing on the merits of the case.

Dismissed.

October 12, 2015
kapil

(SABINA)
JUDGE