

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision (F) No.03 of 2015 (O&M)
Date of decision: 07th January, 2015

Jagatpal

...Petitioner

Versus

Santosh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Madhu Ranjan, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner Jagatpal has preferred this revision petition against Santosh, Divya and Daya-respondents, challenging the impugned order dated 19.11.2014, passed by the learned District Judge, Family Court, Hisar, vide which maintenance of Rs.1250/- per month has been granted to each of the respondents.

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

First of all, this is a revision petition and in the revision petition, evidence is not to be reappreciated. Only illegality in the order is to be seen. Perusal of the impugned order dated 19.11.2014 shows that the petitioner-respondent has nowhere given his income. When a specific query is put to the learned counsel for the petitioner, whether in the evidence the petitioner has given any specific income or salary which he is earning per month, the reply was in negative. Therefore, from the record, it is clear that the petitioner has not led any evidence before the learned Family Court to say positively as to what he is earning per month. On the other hand, as per record

respondent No.1-wife has alleged in the petition under Section 125 Cr.P.C. that the petitioner, being a transporter, is earning Rs.25,000/- per month and he is also doing agriculture work in the village. The petitioner is supposed to produce some evidence on record to show that he is not doing the work of transporter or agriculture and he is a simple labourer and earning less amount. The fact regarding the income of the petitioner was in the specific knowledge of the petitioner and he should depose regarding the same. At the time of arguments, learned counsel for the petitioner only prayed that amount of maintenance i.e. Rs.3750/-, should be reduced to Rs.2500/- per month.

After going through the impugned order, I do not find any ground to reduce the maintenance amount, granted by the learned Judge, Family Court, who has given the findings on the basis of evidence on record. No illegality has been pointed out in the impugned order. Nothing else has been argued at the time of arguments before this Court.

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

07th January, 2015
mamta

(INDERJIT SINGH)
JUDGE