

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32511-2016

Date of Decision:- 15.09.2016

Krishan Kumar

....Petitioner

Versus

Sunit and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Petitioner-husband has filed the present petition for setting aside the order dated 29.10.2015 (Annexure P-1) passed by the learned Judicial Magistrate 1st Class, Mewat and order dated 13.07.2016 (Annexure P-2) passed by the learned Additional Sessions Judge, Mewat whereby he was directed to pay maintenance of ₹5,000/- per month to his wife and two minor children.

As is evident from the record that marriage of petitioner Krishan Kumar with respondent No.1 Sunita took place on 09.03.2008, according to Hindu Rites and Ceremonies. Two children, namely, Sachin and Payal (respondent Nos.2 and 3) were born out from the said wedlock. Later on, the petitioner has refused to maintain the respondents and started beating to respondent-wife for non-fulfillment of demand of dowry. She has no source of income. There was no evidence regarding earning of the

petitioner. Taking into consideration the facts and circumstance, it was held by both the Courts below that the petitioner was bound to maintain the respondents and consequently, the petitioner was directed to pay ₹5,000/- per month to the respondents

Learned counsel for the petitioner has aruged that the petitioner is not in a position to pay any maintenance amount to the respondents as he has no earning from any source. So, the impugned orders are liable to be set aside.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned Courts below have rightly granted the interim maintenance of ₹5,000/- per month to the respondents and the same has been granted after appreciating the evidence in the correct prospective and does not require any interference. Such orders, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Section 482 Cr.P.C., unless and until, the same are illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned orders deserve to be and are hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant petition is hereby dismissed as such.

September 15, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No