

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Revision (F) No.102 of 2016
Date of Decision:-04.07.2016**

Amarjit Singh

....Petitioner

Versus

Gurpreet Kaur and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Present revision petition is against the judgment dated 25.01.2016 passed by the learned District Judge (Family Court) Barnala whereby the petitioner has been directed to pay a sum of ₹5,000/- per month to Gurpreet Kaur- respondent No.1 (wife) and ₹4,000/- per month to Krishandeep Singh @ Krishdeep Singh-respondent No.2 (child).

The marriage of the parties was solemnized on 25.11.2008 at Barnala by way of Anand Karaj in a simple manner. Out of this wedlock, a male child was born on 19.01.2010 and thereafter on account of temperamental differences the couple could not adjust and later on separated. On 01.05.2011, the complainant was left in her parental house and was never came back her matrimonial house. A petition under Section 9 of the Hindu Marriage Act was filed by the present petitioner but was later

on withdrawn by him. In the application for interim maintenance, the trial Court, vide order dated 23.10.2013, granted maintenance of ₹1500/- per month to the wife and ₹700/- per month to the child. While assessing the above-said maintenance, the finding has been recorded that the husband was earning ₹4 lacs per annum from his land and shop.

Moreover, on appeal, the maintenance has been enhanced to ₹5000/- per month for the wife and ₹4,000/- per month for the child by the District Judge (Family Court) Barnala, vide order dated 25.01.2016. The case of the complainant before the Court is that she is having no moveable or immoveable property and has no source of income. As per the jamabandi for the years 2009-10, 2010-11, 2011-12 of villages, Gobindpura, Sherpur, Exs.C23 to C34, the applicant-petitioner and his father own 60 Bighas 05 Biswa of land. This fact is not disputed by the respondent. However, he admitted that earlier he was running pesticide shop, which has now been closed due to litigation but he has not produced any evidence with regard to closure of shop. He admitted during cross examination that he is doing private job but did not lead any evidence in this respect. As per the deposition of Gurdev Singh RW2, father of the present applicant-petitioner, they have 50 Bighas of land and the rate of leasing the land was ₹10,000/- per bigha and the present petitioner is only son of his parents and his sisters were married. The admission of the present petitioner that he is doing a private job coupled with the fact that he was owner of 50 bighas of land, the lower appellate Court came to a conclusion that the present applicant was handsomely earning from the land and shop. Moreover, his son was studying in a school and his monthly school fee is around ₹1,500/- per

month as proved by CW3 Mani Kumar and fee receipts Exs.C2 to C20.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the maintenance awarded by the trial Court of ₹1500/- per month to the wife and ₹700/- per month to the child has rightly been enhanced as ₹5,000/- to the wife and ₹4,000/- to the child, by the District Judge (Family Court), Barnala, vide order dated 25.01.2016 and the same has been passed after appreciating the evidence in the correct prospective and does not require any interference. Such judgment, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Section 401 Cr.P.C., unless and until, the same is 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 judgment deserves to be and is hereby maintained in the obtaining circumstances of the case.

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

July 04, 2016
naresh.k

(**RITU BAHRI**)
JUDGE