

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

**Crl. Rev. (F) No.127 of 2016 (O&M)
Date of decision : 23.05.2016**

Charan Singh

.....Petitioner(s)

Versus

Mahipali @ Lali

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

This revision is directed against the order dated 22.01.2016, passed by the Family Court, which allowed Rs.3,000/- per month as maintenance to the wife.

The parties were married in 1997. A complaint was filed in 2012. The wife had claimed Rs.25,000/- per month as maintenance.

After obtaining the reply of the husband, the Family Court considered the evidence and the documents produced before it, noted that though the plea was raised by the wife that husband had agricultural land and was also running a milk dairy but no evidence was produced in the shape of jamabandi. There was no evidence on the side of respondent. His defence was struck off since he failed to pay the interim maintenance. The Court was of the view that the husband could earn Rs.8,000/- to Rs.10,000/- per month and therefore, the wife was entitled to Rs.3,000/- per month.

The counsel for the petitioner urges that the wife had sufficient means of income and had an independent source of income, therefore, she was not entitled to any maintenance and the Court below had erred while assuming his income to be Rs.8,000/- per month. It was urged that an FIR had been lodged but a cancellation report was submitted.

Perusal of the order shows that interim maintenance was allowed which the respondent failed to pay and his defence was struck off. No evidence was led on behalf of the husband. Even here he had not disclosed his occupation or his income and has kept away that information. He cannot be allowed to take advantage of his own wrong. The petitioner is able bodied. There is no disability. He has admitted the relationship. Even a labourer can earn up to Rs.10,000/- per month. The wife was allowed only Rs.3,000/- per month, which cannot be said to be on the higher side. There is no merit in the petition, same is dismissed.

23.05.2016

Sunil

(ANITA CHAUDHRY)
JUDGE