

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

**Criminal Revision (F) No.176 of 2016 (O&M)
Date of Decision:- 25.07.2016**

Naresh Kumar

....Petitioner

Versus

Pushpa and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. N.K. Malhotra, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Present revision petition is against the order dated 05.03.2016 passed by the learned District Judge (Family Court) Rohtak whereby the petitioner has been directed to pay a sum of ₹5,000/- per month to Pushpa-respondent No.1 (wife) and ₹2000/- per month to Sagar-respondent No.2 (son) as monthly maintenance.

The District Judge, Family Court, Rohtak while deciding the application under Section 125 Cr.P.C. has taken into consideration the fact that the petitioner is working as typist and his earning is ₹30,000/- per month. Petitioner had two sons from the wedlock. His son, namely, Kartik (respondent No.3) was working in Airtel Company and was taking a salary of ₹7000/- per month, hence, he has not been awarded any maintenance.

Second son, namely, Sagar, who was major and studying in 11th Class, was

held entitled to grant of maintenance of ₹2,000/- per month. The respondent No.1 (wife) was doing the work of stitching and has been awarded maintenance of ₹5000/- per month.

Learned counsel for the petitioner states that even though the petitioner is working as typist, his monthly income is only ₹5000/- per month. The Family Court has assessed his income ₹15,000/- being a skilled person and the amount of maintenance awarded by the Court is on the higher side.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned District Judge (Family Court) Rohtak, has rightly granted the maintenance of ₹5,000/- per month to respondent No.1 (wife) and ₹2,000/- per month to respondent No.2 (son), vide order dated 05.03.2016 and the same has been passed after appreciating the evidence in the correct prospective and does not require any interference. Such order, 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 order 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 25, 2016
naresh.k

(RITU BAHRI)
JUDGE