

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

*** * * * ***

CRR (F) No. 273 of 2016

Date of decision : September 14, 2016

*** * * * ***

Dhirender Kumar

.....Petitioner

Versus

Kavita and another

.....Respondents

*** * * * ***

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

*** * * * ***

Present: Mr. Vishal Goel, Advocate for the petitioner.

*** * * * ***

RITU BAHRI, J.

Present revision petition has been filed against the judgement dated 15.7.2016, whereby the District Judge (Family Court), Bhiwani awarded a sum of ₹5000/- per month as maintenance to respondent no.1 and ₹1000/- per month as maintenance to respondent no.2.

Facts of the case, in brief are that Dhirender Kumar, petitioner got married with Kavita, respondent no.1 on 12.12.2006 at Bhiwani according to Hindu rites and ceremonies. Out of the said wedlock, one son namely Jatin (respondent no.2) was born. On 5.9.2012, Kavita along with her minor son came back to her parents home. A petition under Section 125 of the Code of Criminal Procedure for grant of maintenance was filed taking the plea that the present petitioner Dhirender Kumar was having various

moveable and immoveable properties and was running a business of wholesale dealer of vegetables and had income of about ₹50,000 per month. After giving notice and going through the evidence, District Judge (Family Court) Bhiwani vide its judgement dated 15.7.2016 held respondent no.1-Kavita and her minor son, Jatin entitled for maintenance while observing that it was the duty of the husband to maintain his wife and child. In the absence of any cogent and convincing evidence regarding income of the respondent, the income of the respondent was assessed at ₹12,000/- per month which a businessman usually earns. As such respondent no.1-Kavita was awarded a sum of ₹5000/- per month and at the same time, the school going minor son i.e respondent no.2 was awarded a sum of ₹1,000/- per month as maintenance.

Learned counsel for the petitioner has filed this revision petition and prayed that the amount of maintenance awarded to the respondents by the Family Court is on the higher side. At the same time, counsel for the petitioner has not been able to show the relevant record to show that the income of the petitioner is less than ₹12,000 per month. Petitioner is doing business in Subji Mandi in the absence of any evidence, the income of ₹12,000/- per month has been rightly assessed. Maintenance awarded by the Family Court to the respondents does not require any interference. Revision petition is dismissed.

September 14, 2016

*ritu***(RITU BAHRI)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*