

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

**Criminal Revision (F) No.328 of 2016
Date of Decision:- 26.09.2016**

Akib Javed

....Petitioner

Versus

Rukhsaar Begam

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Present revision petition is against the order dated 16.05.2016 passed by the learned District Judge (Family Court) Pathankot whereby the petitioner (husband) has been directed to pay interim maintenance of ₹5,000/- per month to the respondent-wife.

The case set up by the respondent (wife) is that the petitioner (husband) neglected to maintain and provide maintenance to her. She has no source of income. Whereas the petitioner is running Bakery in the name and style of Kajal Bakery at Kolkata (West Bengal) and earning more than ₹1,50,000/- per month. He has also movable and immovable properties. Thus, she is legally entitled to interim maintenance.

Learned counsel for the petitioner has argued that the alleged bakery is not running by the petitioner and he has no concerned with the said bakery. Moreover, there was no evidence to show that the petitioner is

earning ₹10,000/- to ₹15,000/-per month. So, the impugned order is 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 District Judge (Family Court) Pathankot, has rightly granted the maintenance of ₹5,000/- per month to the respondent (wife), vide order dated 16.05.2016 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.

September 26, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No