

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

Crl. Misc. No. 37330 of 2016 and
Crl. Revision No. (F) 412 of 2016 (O&M)
Date of decision: 29.11.2016

Amit Mann

...Petitioner

Versus

Mrs. Rani Mann

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karan Singla, Advocate
for the petitioner.

JAISHREE THAKUR, J.

Crl. Misc. No. 37330 of 2016

The application has been preferred seeking condonation of delay of 82 days in filing of the revision petition. In the said application, it is mentioned that the case had been marked to the counsel through High Court Legal Services Committee on 21.9.2016, after expiry of the limitation period, but since he was not provided with the certified copy of the judgment, it took some time for him to arrange for the same and consequently, there was a delay that occurred on filing the instant revision.

I have heard learned counsel for the petitioner and while noting that the instant petition has been filed through the Legal aid counsel, the delay in filing the revision is condoned.

Main case

A petition under Section 125 of the Code of Criminal Procedure

was filed by the respondent for grant of maintenance from her son—petitioner herein. It was submitted that her husband died in the year 1993 when her two sons were in infancy and she brought them up by doing menial jobs. It was also submitted that the petitioner herein was residing with her in the house owned by her. It was further alleged that she had no source of income to maintain herself and was living purely on the charity of her brothers and other relatives. The respondent stepped into the witness box as PW1 and gave her deposition, while also examining two other witnesses. However, the evidence of the petitioner herein was struck off vide order dated 4.6.2016 on account of the fact that the petitioner herein had failed to pay the interim maintenance as awarded, despite several orders passed to that effect and also undertakings given by the petitioner.

Learned District Judge (Family Court), while going into the evidence and deposition made, awarded a sum of ₹4,000/- as her required maintenance every month with a direction that the petitioner herein to pay a sum of ₹2,000/- per month from the date of filing of the petition.

Aggrieved against the said order, the instant revision has been filed seeking for modification of the order and praying that the amount of maintenance to be reduced to ₹1,000/- per month.

I have heard learned counsel for the petitioner and do not find any infirmity with the order that has been passed.

As per respondent, the petitioner is residing in her house and she brought up the said petitioner along with his elder brother by doing menial jobs. Section 125 of Cr.P.C. was incorporated solely with the object

to provide maintenance to destitute parents, children and wife of persons who were failing to honour their social and moral obligations and to avoid destitution and vagrancy.

In the instant case, the respondent had no source of income of her own. The conduct of the petitioner was such that he did not pay the interim maintenance as awarded by the court. Resultantly, his defence was struck off which order has not been challenged. By holding that the petitioner herein has a moral and legal obligation to support his aged mother, it cannot be said that a sum of ₹2,000/- per month as maintenance amount, as awarded, is on the higher side.

The revision being devoid of any merits is dismissed as such.

29.11.2016

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No