

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.3430 of 2016
Date of Decision:4.9.2017**

Gurwinder Kaur

...Petitioner

Versus

Harwinderpal Singh (minor) and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms.Jagdeep Bains, Advocate for the petitioner.
Mr.Gurmeet Singh, Advocate for respondents No.1 and 2.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 10.9.2015 passed by the learned court below, whereby application for interim maintenance filed by the respondents-minor children was allowed, directing their mother to pay Rs.2,000/- to each of the child, and also the appellate order dated 3.3.2016 passed by the learned Additional District Judge, upholding the order dated 10.9.2015, petitioner has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned orders.

Notice of motion was issued.

Placing reliance on a judgment of this Court in **Nachhattar Singh Vs. Satinder Kaur and others, 2007(4) RCR (Civil) 826**, learned counsel for the petitioner submits that the petitioner is unable to support her

minor children for want of sufficient means. She prays for setting aside the impugned orders passed by the learned courts below.

Per contra, learned counsel for the respondents-minor children vehemently opposed the instant revision petition, contending that none of the impugned orders passed by the learned courts below are suffering from any patent illegality, which may warrant interference, at the hands of this Court. He prays for dismissal of the present revision petition.

Having heard the learned counsel for the parties at considerable length and after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, coupled with the conduct of the petitioner, she has not been found entitled for any relief, at the hands of this Court. It is so said because none of the impugned orders passed by the learned courts below has been found suffering from any patent illegality, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction.

During these days of sky rocketing prices, amount of Rs.2,000/- per month to each minor child cannot be said to be on higher side. Petitioner, who is mother of the respondents-minor children, is trying to run away from her moral, social as well as legal obligation in maintaining her own children. No plausible reason is forthcoming as to why petitioner is not ready to maintain her minor children. Having said that, this Court feels no hesitation to conclude that both the learned courts below were well within their jurisdiction to pass their respective impugned orders, which deserve to be upheld.

So far as the judgment relied upon by the learned counsel for the petitioner in **Nachhattar Singh's** case (supra) is concerned, there is no dispute about the observations made therein. However, on close perusal of the cited judgment, the same has not been found to be of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmasundara Rao (Dead) Vs. State of Tamil Nadu and others, 2002 (3) SCC 533, Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75, State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275 and State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533.**

Coming to the peculiar fact situation obtaining on record in the present case, this Court is of the considered view that grandfather of the respondents-children is not running away from his responsibility. Children are with their grandfather. Petitioner-mother is trying to **disown her** children, which does not appeal to reason at all. Under these circumstances of the case, it can be safely concluded that both the learned courts below committed no error of law, while passing their respective impugned orders and the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in either of the impugned orders, which may warrant interference, at the hands of this

Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned orders are supported by sound reasons, because of which no fault can be found with them and the same deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

4.9.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No