

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

-.-

Crl. Misc. M 14982 of 2016
Date of decision: 27.03.2017

Gurmeet Singh

..... Petitioner

Versus

Harwinder Kaur and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R S Randhawa, Advocate
for the petitioner

Mr. H S Dhandi, Advocate
for the respondents

-.-

Rekha Mittal, J.

The present petition directs challenge against orders dated 16.03.2016 (Annexure P5) passed by the Additional Sessions Judge, Patiala and dated 30.10.2015 (Annexure P4) passed by the trial Court whereby the respondents have been allowed maintenance @ of Rs.3,500.00 per month for the wife and Rs.2,000.00 per month for the child born out of the wedlock.

The sole submission made by counsel for the petitioner is that maintenance assessed by the Courts below is on higher side and liable to be reduced.

To substantiate his contention, it is argued that the petitioner is working as a Taxi Driver at a monthly salary of Rs.4,000.00. He has liability to maintain his father who is partially handicapped due to

amputation of his leg. As father of the petitioner is dependent on the petitioner, his mother also needs financial assistance from the petitioner for her maintenance.

Counsel for the respondents, on the other hand, has supported the impugned orders with the submissions that maintenance awarded by the Courts below may not be sufficient to meet daily needs of the respondents when otherwise the child aged about ten years needs money for his education. According to counsel, the petitioner being husband and father has a legal as well as moral obligation to provide adequate maintenance to the respondents.

I have heard counsel for the parties and perused the paper book with their able assistance.

The petitioner has claimed that he is a Taxi Driver and running Taxi of Ranjit Singh of Village Shankarpur at a monthly salary of Rs.4,000.00. The petitioner did not examine owner of the Taxi to prove his salary. The petitioner is a technical man being a driver by profession. It is difficult to accept that he is earning Rs.4,000.00 per month. Taking into consideration daily wage of a skilled worker coupled with the factum that the petitioner has withheld the best evidence by not examining his employer, it can be safely concluded that the petitioner must be earning Rs.15,000.00 per month.

As has been rightly argued by counsel for the respondents that under law, the petitioner has an obligation to provide adequate maintenance to his wife and the child. The Courts have granted an amount of Rs.3,500.00 per month to the wife and Rs.2,000.00 to the child which may not be sufficient to meet daily needs of the respondents, what to talk of providing

them housing, clothing much less comforts and luxuries. The petitioner has to create source to provide adequate maintenance to his wife and the child. He cannot escape his liability to pay a reasonable amount of compensation to the respondents on the plea that he has to take care of his parents as well. In this view of the matter, I do not find any reason to interfere in the consistent findings recorded by the Courts below, in exercise of inherent jurisdiction to be exercised for achieving twin purposes; namely (i) to prevent abuse of the process of any Court or (ii) to secure the ends of justice.

For the foregoing reasons, the petition fails and is accordingly dismissed leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

27.03.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No