

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

CRM-M No.20429 of 2016 (O&M)

Date of decision: 24.10.2017

Naresh Kumar

...Petitioner

Versus

Mamta Sharma and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Shubhashish Kukreti, Advocate
for the petitioner.

Ms. Isha Goyal, Advocate/amicus curiae
for the respondents.

Jitendra Chauhan, J. (Oral)

The petitioner/husband has filed the present petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') against the impugned order dated 04.02.2016, passed by learned Addl. Sessions Judge, Amritsar, whereby the revision petition filed by respondent No.1/wife was allowed granting the maintenance of Rs. 4000/- per month to her and remaining part of the judgment was kept intact.

Learned counsel for the petitioner, inter alia, contends that the impugned order dated 04.02.2016, passed by learned Addl. Sessions Judge has been passed erroneously and without taking into consideration the relevant facts. The learned Judicial Magistrate has rightly held that respondent No.1 is not entitled for maintenance as she failed to give

sufficient reason for living away from the petitioner/husband. He further states that the petitioner had also filed a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights, however, respondent No.1 intentionally did not appear in the proceedings and ultimately, an ex parte decree was passed in favour of the petitioner. Further, the complaint filed by respondent No.1/wife against the petitioner under Sections 406 and 498-A has been dismissed by the Court of JMIC, Baba Bakala which itself falsify the allegations levelled by respondent No.1/wife. The petitioner has been regularly paying maintenance to respondent No.2/daughter and has also filed a petition for her custody. However, the learned revisional Court has failed to consider this crucial aspect of the matter.

On the other hand, the learned counsel for the respondents states that the revisional Court has rightly passed the order. The petitioner is earning Rs. 2 lakh per month from his medical practice, thus, he is duty bound to maintain the respondents.

Heard.

This Court has re-scanned the entire record. The amount as determined by learned Addl. Sessions Judge, is in accordance with law and cannot be termed to be excessive, perverse or grossly unjust in the given set of circumstances. The petitioner is duty bound to maintain the respondents (wife & minor daughter). Keeping in view the cost of living these days, the amount so granted by revisional Court towards maintenance of respondent No.1 is not on the higher side. There is no

illegality, infirmity or perversity in the order of the learned Addl. Sessions Judge, which is hereby affirmed.

Accordingly, the instant petition is hereby dismissed.

24.10.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No