

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

CRM-M-23548-2016

Date of decision: 18.01.2017

Joginder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.S. Tewatia, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed against the judgment dated 11.04.2016 (Annexure P-2) passed by the Sessions Judge, Palwal, whereby revision filed by petitioner-husband against the judgment dated 24.07.2015 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Hodal, has been partly allowed qua respondent No.2-wife.

Vide judgment dated 24.07.2015 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Hodal, petitioner-husband was directed to pay maintenance of Rs.6000/- per month each (total Rs.12,000/-) to respondent Nos. 2 and 3. Against the said judgment, petitioner-husband filed a revision, which was partly allowed vide impugned judgment dated 11.04.2016 passed by the Sessions Judge, Palwal and Rajesh Kumar @ Sanju-wife was not held entitled to any maintenance from her husband-Joginder (petitioner herein). However, the maintenance awarded to the minor child (respondent No.3) was upheld.

Perusal of the impugned order shows that earlier, the petitioner

his gross salary was Rs.23,420/- per month. However, his services were terminated w.e.f. 22.03.2014.

Precise case of the petitioner, before both the Courts below, was that he was not working and was, therefore, unable to pay anything to his wife and daughter (respondent Nos. 2 and 3). On the other hand, his wife-respondent No.2 is working as Guest Teacher with the Government of Haryana.

After going through the facts and circumstances of the case, this Court is of the view that the maintenance has been awarded by taking the income of petitioner as that of a daily wager. This maintenance is not on the higher side. Accordingly, no ground is made out to interfere in the impugned order dated 11.04.2016 (Annexure P-2).

Dismissed.

18.01.2017
ajp

(RITU BAHRI)
JUDGE

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