

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

**CRM-M-2618-2017
Date of decision-14.11.2017**

Nirmal Singh

...Petitioner

Vs.

Simarjeet Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed for quashing of the impugned order dated 04.06.2016 passed by learned Chief Judicial Magistrate, Sri Muktsar Sahib whereby the petitioner/husband had been directed to pay a sum of ₹5,000/-per month as interim maintenance to the respondent(s) (₹2,000/- for respondent-wife and ₹1,500/- each for both minor children of the petitioner) in the proceedings under Section 125 of the Code of Criminal Procedure, 1973 and judgment/order dated 03.10.2016 (Annexure P-3) passed by learned Sessions Judge, Sri Muktsar Sahib whereby the revision petition filed by the petitioner has also been dismissed.

It is asserted that the petitioner is working as pathi in gurudwara sahib and does not have any agricultural property in his name. In fact the land is mortgaged with the bank, thus he is not in a position to pay a sum of ₹5,000/- per month to respondent(s). It is claimed that respondent/wife has herself deserted and neglected the petitioner. The impugned orders have been passed without considering these factual aspects of the matter.

I have heard learned counsel for the petitioner and have gone

through the case file.

The marriage was solemnized in the year 2006 as per Sikh rites. Out of the wedlock two children were born. Presently both children are living with respondent No.1. Allegedly, due to demands of dowry and harassment, respondent/wife was constrained to leave the matrimonial home and has been residing at her parental home. The respondent/wife claimed that the petitioner owns 4 acres of agricultural land in village Nurpur Kirpalke and further he is running a dairy business and earning ₹50,000/- per month. At this stage, it cannot be said that respondent-wife is living separately from the petitioner without any sufficient cause. The petitioner is an able-bodied person. Even a daily wager in the State of Punjab can easily earn a sum of ₹291/- per day. He is legally and morally bound to maintain his wife and children.

In the circumstances, this Court feels that the amount of ₹5,000/- per month by no stretch of imagination can be said to be on higher side for maintenance of the wife and minor children especially in the present scenario of high rise in the cost of living.

In that view of the matter, the Courts below rightly fixed the interim maintenance in favour of respondents. There is no illegality or perversity in the impugned orders. Thus, present revision petition is accordingly dismissed.

14.11.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No