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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36315-2017 (O&M)
Date of decision-07.11.2017

Gurbachan Singh

...Petitioner

Vs.

Kanta Rani

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Rana, Advocate for the applicant-petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-30947-2017

Application is allowed as prayed for.

Documents are taken on record subject to all just exceptions.

CRM-M-36315-2017

The present petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 07.02.2017 passed by Sub Divisional Judicial Magistrate, Guruharshai (Annexure P-1) and order dated 17.07.2017 passed by learned Sessions Judge, Ferozepur (Annexure P-3) whereby the petitioner/husband has been directed to pay a sum of Rs.2,000/-per month as interim maintenance to the respondent/wife in proceedings under Section 125 Cr.P.C.

Learned counsel contends that the Courts below erred in not considering the factum of petitioner being a disabled person to the extent of

60 per cent and being unable to earn anything. The respondent-wife without any reason deserted the company of the petitioner. It is further asserted that the petitioner is saddled with responsibility of raising two sons born out of the wedlock.

I have heard learned counsel for the petitioner and have gone through the case file.

In the instant case, after sometime of marriage, due to demands of dowry and cruel behaviour of the petitioner, respondent/wife was constrained to leave the matrimonial house. She is now residing at her parental home. The respondent/wife claimed that the petitioner is earning Rs.50,000/-per month.

The marriage is not in dispute. Though as per the record, the petitioner carries disability to the extent of 60 per cent, however, the petitioner has not explained as to how he is unable to earn his livelihood. If the petitioner was handicapped and incapable of earning anything, he ought to have conveyed it to the respondent at the time of marriage. As the marriage is not in dispute, the petitioner is under legal as well as moral obligation to look after and maintain the respondent-wife.

It cannot be said that the amount of Rs.2,000/- per month is on higher side, 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 the respondent/wife. The amount has been determined after taking into consideration the status and life-style of the

parties. There is no illegality or perversity in the impugned orders. The petition is accordingly dismissed.

07.11.2017

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(JITENDRA CHAUHAN)
JUDGE

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