

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

CRM-M-39400-2017

Date of decision-24.10.2017

Varinder Singh

...Petitioner

Vs.

Paramjit Kaur and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Hitesh Sood, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside the order dated 21.07.2017 passed by Addl. Sessions Judge, Jalandhar (Annexure P-1) and order dated 16.12.2016 passed by learned Judicial Magistrate First Class, Jalandhar (Annexure P-3) whereby the petitioner/husband has been directed to pay a sum of ₹3,000/-per month as interim maintenance to the respondent/wife in proceedings under Section 125 Cr.P.C.

It is contended that Courts below while awarding interim maintenance have not considered the fact that the petitioner is a casual labourer and has to maintain the minor son born out of the wedlock. The learned counsel refers to Annexure P-6, the disability certificate issued by Senior Medical Officer, Kapurthala to contend that the petitioner has disability to the extent of 74 per cent. The wife without sufficient reason left the matrimonial home.

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

In the instant case, Varinder Singh/petitioner was married to Paramjit Kaur/respondent on 14.11.2010. After sometime of marriage, due to alleged demands of dowry and cruel behaviour of the petitioner, respondent/wife left the matrimonial home with one of her minor son and is residing at her parental home. The respondent/wife claimed that the petitioner is earning ₹1,00,000/-per month. He has movable and immovable property which includes 2 J.C.B and 8 tractors.

The factum of marriage is admitted by the petitioner. As per the disability certificate (Annexure P-6), the petitioner is 74 per cent disabled. However, this certificate (Annexure P-6) nowhere reveals that he is totally incapable of doing any work. He is holding immovable property and is earning from JCB machines and tractors owned by him. The petitioner is under legal as well as moral obligation to maintain his wife.

In the circumstances, the amount of ₹3,000/- per month cannot be said to be 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 and the fact that respondent No.1 is saddled with the responsibility of upbringing a minor son aged 04 years. There is no illegality or perversity in the impugned orders. The petition is accordingly dismissed.

24.10.2017

vanita

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No