

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 42295 of 2015(O&M)

Date of Decision: February 3 , 2017.

Hitender PETITIONER (s)

Versus

Reena RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhimanyu Antil, Advocate for
Mr. Sanjeev Kodan, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for quashing order dated 21.11.2015 passed by the learned Additional Sessions Judge, Jhajjar upholding order dated 15.03.2014 passed by the learned Additional Chief Judicial Magistrate, Jhajjar whereby the respondent was granted maintenance at the rate of ₹5,000/- per month from the date of filing of the petition.

An application under Section 125 Cr.P.C. was moved by the respondent-wife seeking maintenance to the tune of ₹15,000/- per month.

Marriage between the parties was admittedly solemnized on 02.06.2006. The

learned trial court on consideration of the facts and circumstances as well as the evidence on record directed a sum of ₹5,000/- per month to be paid by the petitioner to the respondent-wife since the date of filing of the petition. Finding no merit in the revision petition preferred by the petitioner, the learned revisional court dismissed the same while upholding the order passed by the learned trial court. Aggrieved from the abovesaid orders, the present petition has been filed.

Learned counsel for the petitioner vehemently argues that the parties lived together merely for a month after their marriage on 02.06.2006. The respondent left the matrimonial home and is living apart from the petitioner ever since. Furthermore, the petitioner does not have enough resources to pay a sum of ₹5,000/- per month. The learned courts below have clearly erred in fixing the said amount of maintenance.

I have heard learned counsel for the petitioner and have gone through the impugned orders.

Marriage between the parties is not disputed. It is also not disputed that the respondent was left at her parental home a little while after the marriage. She was never taken back to the matrimonial home. It was noted by both the learned courts below that the petitioner has emphatically stated that he does not wish to live with his wife. He has not given any explanation for abandoning the respondent-wife at her parental home for such a long period. It is noted that there is no evidence on record to hold that the respondent voluntarily deserted the petitioner or withdrew herself from the company of the petitioner without any reasonable cause. Petition under Section 9 of the Hindu

Marriage Act was also filed by the respondent-wife. Therefore, there is no merit in the contention of the petitioner that the respondent-wife has voluntarily withdrawn from the company of the petitioner or she has deserted the petitioner without any reasonable cause.

In respect to the quantum of the maintenance, it is relevant to note that the learned trial court in its order dated 15.03.2014 observed that the petitioner was wearing clothes and shoes of a branded company when he appeared before the said court. The petitioner has admitted that he was employed in a shoe factory at Bahadurgarh. Learned revisional court has noted from the various documents placed on record by the respondent-wife that the petitioner while applying for an Arms Licence in the year 2009 has mentioned in the Police Recommendation Form that he is an owner of agricultural land measuring 2 acres. He has also mentioned in Form-A of the Arms Licence that he was engaged in transport business. Two heavy goods vehicles are reflected to be registered in the petitioner's name on 20.03.2014 and 09.12.2014. Thus, it is not acceptable that the petitioner is unable to pay a sum of ₹5,000/- per month to the respondent or that the quantum of maintenance determined is excessive.

Keeping in view the facts and circumstances as noted above, I find no ground whatsoever to interfere in the impugned orders.

This petition is accordingly dismissed.

(LISA GILL)
JUDGE

February 3 , 2017.
'om'

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