

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-21-2013 (O&M)
Date of Decision:- 26.05.2017

Yogesh Prabhakar

....Petitioner

Versus

Monika Prabhakar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Petitioner in person.

**Mr. B.R. Rana, Advocate
for the respondents.**

RITU BAHRI, J. (Oral)

Petitioner has come up in revision against the order dated 08.02.2013 whereby in a petition under Section 125 Cr.P.C. maintenance of ₹2,500/- for each of the respondents i.e. wife and minor daughter, has been given.

As is evident from the record that the marriage of present petitioner-Yogesh Prabhakar was solemnized on 22.04.2004 with respondent No.1-Monika Prabhakar as per Hindu Rites and Ceremonies. On account of some misunderstanding, they have separated and an FIR under Sections 406 and 498-A IPC was registered against the petitioner and his family members. Daughter of the petitioner was born on 24.12.2006. The petitioner was I.T. professional and prayer for ₹20,000/- per month

maintenance was made in the application under Section 125 Cr.P.C. filed by

the respondents. On notice, reply was filed by the petitioner that he was M.Com., MBA (PGDBM) and all attempts were made to get back his wife to her matrimonial house. He denied the allegations of money spent on the marriage by the parents of his wife. He also pleaded that he was ready to keep and maintain his child if he is handed over to him. Respondent No.1- Monika appeared as PW1 and tendered her affidavit Ex.PW1/A reiterating the facts of her petition. On the other hand, petitioner himself appeared as RW1 and tendered his affidavit Ex.RW1/A and deposed that there was no demand for dowry nor he ever beaten or ill treated his wife. In his cross-examination, he deposed that he was doing job at Delhi at the time of marriage and had served with Choice Solution Limited in 2006. His wife had left the house on 02.12.2006 in his absence and without his consent when she was pregnant. He further stated that he had not filed any petition for restitution of conjugal rights and neither had filed any petition for custody of his minor child. Consequently, after hearing the learned counsel for the parties, the trial Court, in the absence of any strict proof with regard to the income of the petitioner, took the income of ₹15000/- per month of the petitioner as he was a Post Graduate in Management and thereafter, maintenance of ₹5,000/- per month has been awarded i.e. ₹2,500/- per month for each respondents.

Petitioner has argued at length today and states that there was no reason for his wife to desert him and she was not entitled for maintenance.

After hearing the parties and going through the record, this Court is of the considered view that even though the

would not disentitle his wife for grant of maintenance. The maintenance of ₹5,000/- is reasonable and is not at all excessive keeping in view the rising prices. Moreover, maintenance was awarded way back in the year 2013 and four years have gone by. Now the maintenance of ₹5,000/- per month would be reasonable for daughter of the petitioner, who is now almost 10 years of age. Since no ground for interference in the impugned order is made out, therefore, the present revision petition filed by the petitioner is hereby dismissed.

May 26, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No