

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

CRR(F)-291-2015

Date of decision: 30.11.2017

Suraj Khurana and another

... Petitioners

Versus

Baby Pranaya and another

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioners.

Mr. Shiv Kumar, Advocate,
for the respondents.

JAISHREE THAKUR, J.

1. The petitioners herein seek to challenge the order dated 21.07.2015 by which they have been directed to pay maintenance in proceedings under section 125 Cr.P.C. to their daughter-in-law.
2. In brief, the facts are that respondent No. 2 is married to the son of the petitioners on 22.08.2010 according to Hindu rites and out of this wedlock a girl child was born on 11.08.2001. On account of matrimonial discord arising out of inadequate dowry, respondent No. 2 along with her minor daughter was turned out of the matrimonial home which led to an application being filed for interim maintenance as well as maintenance under section 125 Cr.P.C. In the said petition, respondent No. 2 for the self and for the minor daughter prayed for grant of maintenance and impleaded Sumeer Khurana her husband and both his parents as party respondents. The application for interim maintenance was allowed holding that interim maintenance of ₹ 1000/- per month is to be given to respondent No.1, namely, baby Pranaya and a sum of ₹ 4000/- per month to respondent No. 2

complainant wife. While disposing of the interim application, the District Judge, Family Court, Faridabad held that respondent No. 1 is also directed to pay ₹ 11,000/- as litigation expenses.

3. Aggrieved against the said order, the instant revision petition has been filed stating therein that the impugned order is not sustainable on account of the fact that they are the grandparents/ parents in law of respondents No. 1 and 2 and cannot be made liable to pay maintenance under section 125 Cr.P.C.

4. I have heard the Ld. counsel for the parties and also produced the order impugned.

5. It is true that Section 125 Cr.P.C. has been enacted to ensure that wives, children and old parents who have no means to support themselves are not subject to destitution and vagrancy. There is no such provision in the said Section where maintenance can be asked from the father-in-law and mother-in-law by their daughter-in-law or even by the grand-daughter. It seems that inadvertently the District Judge did not clearly specify that it was respondent No. 1 who was to make the interim payment to the respondents in the revision petition. While noting that respondent No. 1 being a father and husband has a responsibility of maintaining the complainant and noting that he is capable of earning ₹ 10,000/- per month, the interim maintenance was fixed. Moreover, it was the husband/father i.e. Sameer Khurana who was also fastened with the liability of paying the litigation expenses.

6. In view of the above, it can safely be presumed that the maintenance as assessed under section 125 Cr.P.C is to be paid by Sameer Khurana who is father of respondent No. 1 and husband of respondent No. 2.

7. With this above modification and clarification the revision petition stands disposed of.

30.11.2017
Satyawar

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.