

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

CRR(F) No.303 of 2015 (O&M)
Date of decision: 08.03.2017

Neeraj

....Petitioner

Versus

Jaskaran Sondhi and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Deepak Verma, Advocate
for the petitioner.

Mr. Sarju Puri, Advocate
for the respondents.

REKHA MITTAL J. (Oral)

The petitioner has challenged order dated 18.08.2015 passed by the District Judge (Family Court), SBS Nagar whereby the respondent – wife has been awarded maintenance @ Rs.2,000/- per month and a sum of Rs.1,500/- per month for the minor child born out of the wedlock.

On 23.02.2017, counsel for the petitioner prayed for time to seek instructions if the petitioner is ready to clear arrears of maintenance upto Rs.50,000/- by the next date of hearing.

Today, counsel for the petitioner has expressed inability of the petitioner to pay arrears of maintenance on the premise that the petitioner does not have money to pay arrears.

Counsel for the respondents has apprised the Court that as per maintenance assessed by the Court below, the petitioner is in arrears

of maintenance to the tune of more than Rs.1,00,000/-.

Counsel for the petitioner has submitted that maintenance assessed by the Court below is on higher side and liable to be reduced. The petitioner is earning Rs.4,000/- per month by doing odd jobs, therefore, he is not in a position to pay maintenance at the rate assessed by the trial Court.

I have heard counsel for the parties and perused the paperbook.

The provisions of Section 125 Cr.P.C. are a social legislation with an intent to provide speedy remedy to a spouse, child and parents to claim maintenance so that they can be saved from starvation and vagrancy. Under law, the husband and a father is not only under a legal obligation but also a moral one to provide adequate maintenance to his wife and minor child. The Courts have even gone to the extent of saying that if a person has renounced the world or become a hermit, he is obliged to revert to the social life in order to earn livelihood for his family. There is nothing on record suggestive of the fact that the petitioner suffers from any disability rendering him unable to work and earn livelihood for his family.

Taking into consideration prices of daily necessities of life when otherwise the child would be requiring money for his education as well, maintenance assessed by the Court below, by no stretch of imagination, can be said to be excessive warranting intervention. It further appears that the petitioner is not interested to discharge his liability towards his wife and the child though he can afford to spend money on litigation.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(REKHA MITTAL)
JUDGE

08.03.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No