

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

CRR(F) No. 36 of 2015(O&M)

Date of decision: 28.3.2017

Vijender Kumar

....Petitioner

VERSUS

Swati

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Gaurav Rana, Advocate for the petitioner.

Mr. Amit Jaiswal, Advocate for the respondent.

REKHA MITTAL, J.

The present petition directs challenge against order dated 05.06.2014 passed by the District Judge, Family Court, Ambala whereby the petitioner has been directed to pay maintenance at the rate of Rs.3,500/- per month to the respondent-wife in proceedings under Section 125 of the Code of Criminal Procedure, 1973.

The trial Court, in view of findings recorded in para 6 of the judgment, has held that testimony of Swati PW-1 is fully corroborated by Neetu, her mother PW-2 but neither the witnesses were cross-examined by counsel for the respondent despite opportunity being afforded nor the respondent-husband has adduced any evidence as his defence has been struck off and even the written statement has not been filed by him, therefore, averments raised by the petitioner had gone un-rebutted and unchallenged, sufficient to establish that the petitioner-wife was turned out of the matrimonial home without any rhyme and reason. The Court while

referring to judgment of Hon'ble the Supreme Court of India **Chaturbhuj Vs. Sita Bai, 2008(1) CCC 100**, wherein it has been held that Section 125 of the Code of Criminal Procedure, 1973 is a measure of social justice and is specially enacted to protect women and children from vagrancy and destitution, a speedy remedy for the supply of food, clothing and shelter to the deserted wife has been provided, held that the wife is entitled to get maintenance. The Court by holding that even a labourer earns Rs.7,000/- to Rs.8,000/- per month, assessed maintenance at the rate of Rs.3,500/- per month from the date of filing of the petition.

Counsel for the petitioner has fairly informed the Court that as per his information, the petitioner has not paid any maintenance to the respondent in pursuance of the order passed by the trial Court. He has nothing substantial to contend in order to point out any error much less illegality in the impugned order warranting intervention. I have gone through the order passed by the Family Court but find no reason to differ with the findings recorded by the Court below.

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

MARCH 28, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no