

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

**CRR(F) No.60 of 2015
Date of decision: 06.04.2017**

Parveen

....Petitioner

Versus

Neha and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Keshav Pratap Singh, Advocate
for respondent No.1.

REKHA MITTAL J.

The present petition directs challenge against order dated 20.01.2015 passed by the District Judge (Family Court), Gurgaon whereby the respondents have been allowed maintenance @ Rs.5,000/- per month to respondent No.1 and Rs.3,000/- per month to respondent No.2 under Section 125 of the Code of Criminal Procedure (in short 'Cr.P.C.').

The sole submission made by counsel for the petitioner is that maintenance assessed by the Court below is on higher side and liable to be reduced. To substantiate his contention, it is argued that the petitioner had raised a categorical plea that he is working as a helper in electric goods repair shop at a salary of Rs.6,000/- per month, therefore, he cannot be fastened with liability to pay maintenance more than what he actually earns. It is prayed that maintenance assessed by the Court

below may be reduced to Rs.3,000/- per month.

Counsel for the respondents, on the contrary, has submitted that maintenance awarded to the respondents may not be sufficient to meet their daily needs of two square meals what to talk of providing for housing, clothing much less comforts or luxuries. It is further argued that as a matter of fact, the petitioner is running a shop of repair of electrical goods and he also sells spare parts of electrical appliances. As the petitioner does not file any return in respect of his income, the respondent – wife was rendered helpless to produce any documentary evidence with regard to income of the husband.

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

The respondents in para 9 of the application have pleaded that the petitioner is earning handsome income from his electric shop. In reply, he has denied the allegations raised in para 9 with averments that he is unemployed and was a helper of electric repair shop, suffering from depression and failed to earn his livelihood due to act and conduct of respondent No.1. When he appeared in the witness-box and tendered into evidence his affidavit Ex.RW1/A, he has taken the stand in para 5 that he is unemployed and working as helper in electric repair shop with his elder brother and earns Rs.6,000/- per month. His old aged mother is also dependent upon him, he is suffering from depression and failed to earn his livelihood due to act and mis-conduct of the respondent.

The petitioner has taken contradictory stand in his

pleadings as well as statement in examination-in-chief. He is claiming himself to be unemployed but at the same time stated that he is working as a helper in electric repair shop. There is no materials on record to substantiate plea of the petitioner that he is suffering from depression. He has not examined his brother to prove that the shop of electric repairs is owned by his brother – Anil and he (petitioner) is working as a helper at a salary of Rs.6,000/- per month. It appears that as a matter of fact, the petitioner himself is doing the business of repair of electrical appliances in a shop of which the photo has been placed on record. He has tried to conceal his income so that his wife and the child may not get adequate maintenance.

Keeping in view the aforesaid facts and circumstances, I do not find any reason to differ with the findings recorded by the Court below allowing maintenance @ Rs.5,000/- per month to the wife and Rs.3,000/- per month to the child.

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

(REKHA MITTAL)
JUDGE

06.04.2017
yakub

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