

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

CRR(F) No.2 of 2016

Date of Decision : 14.07.2017

Rajesh

.....Petitioner(s)

Versus

Sultan Singh

.....Respondent(s)

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present : Mr. Sandeep K. Sharma, Advocate
for the petitioner(s).

LISA GILL, J. (ORAL)

The petitioner is aggrieved of order dated 3rd November, 2015 passed by the learned District Judge, Family Court, Rohtak whereby a sum of ₹1,500/- per month has been assessed as maintenance to be paid to her.

Brief facts of the case are that the petitioner filed a petition under Section 125 Cr.P.C. claiming maintenance from the respondent-husband. Marriage between the parties was solemnized on 16th of May, 1997 at Rohtak. Two children born out of this wedlock, are admittedly being looked after by respondent-husband. It is submitted that the respondent-husband and his family members were not satisfied with the dowry given at the time of marriage and used to quarrel with petitioner-wife on account of less dowry being brought. The respondent sold his entire property at the instance of his parents, other family members and went to Raipur (Chhatisgarh). Despite best efforts, the petitioner could not settle with him. It is further averred that the respondent owns a JCB

Machine and three dumpers. He is working as a contractor at Raipur, earning ₹30,000/- per month. The petitioner claimed maintenance at the rate of ₹10,000/- per month.

The petition was duly contested and the averments therein denied. It is contended that the petitioner was not possessed of a good nature. She forced the respondent-husband and his family members to leave the State of Haryana. They had to migrate to Raipur along with his family. It is denied that the respondent sold his entire property. In fact, it was given to his successors without any consideration. It is stated in the reply that in case, the respondent-husband did not leave Haryana, the petitioner might have had him, his family members and his children implicated in false cases. The petitioner, it is stated could even go to the extent of having him killed. The petitioner, it was averred, was residing separately without any reasonable cause. A divorce petition was filed at Raipur by the respondent-husband. Averment regarding ownership of JCB machine and three dumpers, is denied. The respondent clarified that he is working as a mechanic at Shree Balaji Maker, Transport M Nagar, Tati Bandh, Raipur, earning a salary of ₹ 4,000/- per month after deducting expenses for tea and fare etc. He has no other source of income and is maintaining his two children as well as his 80 year old mother.

In support of his contentions, the respondent examined RW2- Sandeep Kumar, the proprietor of Balaji Body Maker. RW-2 proved his affidavit Ex.RW2/A. Sandeep Kumar RW-2 specifically deposed that he is the proprietor of Balaji Body Maker and the respondent-husband was

being given a salary of ₹4,000/- per month, which was now been increased to ₹6,000/- per month. Salary Certificate (Ex.R-1) was proved by the said witness in this regard. It has come on record that the petitioner initiated proceedings under Sections 323, 342, 364, 376, 506 read with Section 120-B IPC against the respondent-husband and other family members. Finding no merits, the learned trial Court dismissed the complaint on 30th of April, 2010. The appeal preferred by the petitioner was also dismissed on 10th December, 2010 by the learned Additional Sessions Judge, Rohtak (Ex. Mark D-3).

It is not in dispute that the children out of the wedlock are being maintained by the respondent-husband.

Learned counsel for the petitioner is unable to point out anything from the record, which has been requisitioned, to indicate that the respondent-husband is earning anything more than ₹6,000/- per month. He is unable to point out any illegality, infirmity or error apparent on record in the impugned order dated 3rd November, 2015, which calls for interference by this Court in exercise of revisional jurisdiction.

Accordingly, this petition is dismissed.

July 14, 2017
Dpr

(LISA GILL)
JUDGE

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