

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

(i) CRR(F)-308-2016 (O&M)
Date of decision : 24.10.2017

Amit Hooda

...Petitioner

Versus

Preeti

...Respondent

(ii) CRR(F)-341-2016 (O&M)
Date of decision : 24.10.2017

Preeti

...Petitioner

Versus

Amit Hooda

...Respondent

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.K. Malhotra, Advocate,
for petitioner-Amit Hooda.

Mr. Ashwani Gaur, Advocate,
for petitioner-Preeti.

JITENDRA CHAUHAN, J.

The above noticed two cross criminal revision petitions
have been filed laying challenge to the common impugned order dated
17.08.2016, passed by learned District Judge, Family Court, Gurgaon,
in petition under Section 125 of the Code of Criminal Procedure.

The petitioner-wife moved petition under Section 125 Cr.P.C. claiming maintenance from her husband. Learned Family Court, vide impugned judgment dated 17.08.2016, awarded an amount of Rs.25,000/- per month as final maintenance. By way of the present revision petitions, both the parties have assailed the impugned judgment.

It is the case of the petitioner-wife that her husband is a Director of Maha Shiv Promoters Pvt. Ltd. and earning about Rs.4.00 lakh per month. Besides, he is holding 60,000 shares of the value of Rs.10/- each. It is further case of the petitioner-wife that her husband owns agricultural land measuring 13 Kanals and 13 ½ Marlas situated at Village Kaloi, District Rohtak which fetches annual income. The husband also earns rental income from a four-storeyed building in Rohtak. Further, he owns two shops in a Mall and three houses in Rohtak. The petitioner claimed herself to be unemployed and totally dependent upon her parents after having been deserted by the husband.

On the contrary, the petitioner-husband asserted that the wife herself left his company. She was never maltreated or harassed. It is further averred that he was unemployed whereas, the wife was M.Com. and was employed with TATA Motors, Gurgaon and thereafter as Lecturer in IC College, Rohtak. The wife stayed with him only for three months during which period she returned to her parental home to attend her college. The firm

M/s Maha Shiv Promoters Pvt. Ltd. belonged to his family. Though, he was a share-holder in the firm, but his family had become inimical towards him and thus, he had no role in the management. He further denied having any rental income or that he owned two acres of land in Village Asthal Bohar, Rohtak.

I have heard learned counsel for the parties and perused the case file.

The relationship between the parties is not in dispute. In order to prove the income of the petitioner husband, the wife placed on record a copy of Form-23 AC, Ex.P2 showing that he is a Director of M/s Mahashiv Promoters Pvt. Ltd. and holds 13.62% shares i.e. 60,000/- shares. She has also placed on record his income tax return for the year 2014-15 as Ex.P3, reflecting his annual income at Rs.8.00 lakh. As per Ex.P4, the husband also owns property in village Kilo, which was received by him from his grandfather. The husband has himself admitted the fact of being a Director in the firm in question. At the same time, the averments raised by the petitioner wife with regard to owning other properties and having agricultural and rental income therefrom, has not been proved on record.

From the perusal of the impugned order, it is made out that the petitioner being an able bodied person, was under legal obligation to maintain his wife. The petitioner-husband

could not bring any clinching evidence on record to prove that the respondent-wife had sufficient means to maintain herself.

As maintenance is granted according to the status and life-style of both the parties, this Court feels that the amount determined by the Court below is just and appropriate and this Court is not inclined to interfere with the same.

In view of the above discussion, both the revisions petitions are, hereby dismissed.

24.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No