

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

**CRR(F)-35-2016 (O&M)
Date of decision : 24.10.2017**

Ashok @ Anil

...Petitioner

Versus

Sudha @ Sujata and another

...Respondents

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Tikesh Kumar, Advocate,
for the petitioner.

Ms. Sharmila Sharma, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

The above noticed criminal revision petition has been filed laying challenge to the impugned judgment/order dated 30.11.2015, passed by learned District Judge, Family Court, Gurgaon, in petition under Section 125 of the Code of Criminal Procedure.

It is contended that learned Court below erred in determining the income of the petitioner-husband at ₹12,000/- per month merely on the basis of presumptions. In fact, the petitioner is earning ₹8,500/- per month as salary and therefore, the amount of ₹6,000/- per month granted towards maintenance is on the higher side. In the proceedings under Section 13B of the Hindu Marriage Act, the parties settled all the disputes and agreed to have no claim against each other as regards maintenance, alimony or custody of the

minor son, etc. However, the respondent-wife did not appear for second motion and accordingly, the petition for grant of divorce by mutual consent was dismissed.

On the other hand, learned counsel for the respondents has vehemently argued that apart from salary of ₹10,000/- per month, the petitioner is earning more than ₹20,000/- per month being a property consultant. She was harassed by the petitioner and his family members on account of demand of dowry.

The relationship between the parties is not in dispute. The petitioner is the husband of respondent No.1 and father of respondent No.2. In the absence of any conclusive documentary proof on record, the Court below has rightly assessed the monthly income of the petitioner at ₹12,000/-, which cannot be said to be on the higher side. The petitioner-husband could not bring any clinching evidence on record to prove that the respondent-wife had sufficient means to maintain herself. The petitioner being an able bodied person, is under legal obligation to maintain his wife and minor child.

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, the revision petition is, hereby, dismissed.

24.10.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No
Whether Reportable : Yes No