

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-435-2016

Date of Decision:- 27.02.2017

Tarminder Singh

....Petitioner

Versus

Luxmi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Amardeep Sheoran, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Petitioner has filed the present revision petition against order dated 15.10.2016, passed by learned District Judge, Family Court, Ambala, vide which the application for setting aside order dated 17.10.2014 and judgment dated 06.08.2015, has been dismissed.

As is evident from the record that learned District Judge, Family Court, Ambala while deciding the application under Section 125 Cr.P.C. has taken into consideration the fact that the petitioner is a semi-skilled labourer and his earning is ₹10,000/- to Rs.12,000/- per month. Petitioner had two sons from the wedlock. Consequently, the application for interim maintenance has been allowed and vide order dated 06.08.2015, granted maintenance of ₹2000/- per month to the wife and ₹1000/- per month each to the child.

Learned counsel for the petitioner has argued that the petitioner-husband has no source of income and he is not in a position to pay any maintenance amount as he is only working as a labourer. Moreover, the Court below has not considered the evidence led by the petitioner and wrongly directed him to pay maintenance of ₹4,000/- per month to the respondents. So, the impugned order is liable to be set aside.

After hearing the learned counsel for the petitioner, going through the impugned order, this Court is of the considered view that the learned District Judge, Family Court, Ambala, has rightly assessed the income of the petitioner and passed the impugned orders. The plea of actual earning will be decided at the final stage of application filed under Section 125 Cr.P.C. No ground for interference in the present revision petition, at this stage, is made out and the same is hereby dismissed.

February 27, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No