

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

CRR(F) No.95 of 2016 (O&M)

Date of decision: 23.10.2017

Renu Bala

...Petitioner

Versus

Dinesh Goyal

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Aman Bansal, Advocate for the petitioner.

Mr. G.N. Malik, Advocate for the respondents.

Jitendra Chauhan, J. (Oral)

The petitioner/wife has filed the present revision petition under Section 401 of the Code of Criminal Procedure (for short 'Cr.P.C.') against the impugned judgment dated 15.02.2016, passed by the Family Court, Barnala, whereby the application filed by the petitioner under Section 125 of Cr.P.C., was dismissed.

Earlier, the matter was referred to Mediation & Conciliation Centre of this Court but the parties have failed to reconcile the dispute.

Learned counsel for the petitioner/wife submits that trial Court erred in ignoring the fact that the respondent is a qualified BAMS doctor and is earning Rs.40,000/- per month. The marriage was solemnized on 22.11.2009. On the first day of marriage, the respondent and his family members raised demand of dowry and verna car and treated the petitioner with cruelty. Many panchayats were convened to resolve the issue but in vain. Ultimately, on 03.01.2010, father of the petitioner and panchayat members took the petitioner at her parental home

and since then, the petitioner is dependent at the mercy of her parents and she is unable to maintain herself. However, the trial Court has not taken into consideration the above aspects of the matter.

On the other hand, the learned counsel for the respondent argued that the petitioner is also a qualified BAMS doctor and has sufficient income to maintain herself.

Heard.

It is admitted fact that both the parties are qualified BAMS doctor. Though as per income tax return for the year 2011-12, the petitioner disclosed her income as Rs.275/-, however, the income tax returns for the year 2007-08 and 2008-09 indicates her income above Rs.1 lakh and further as per income tax returns for the year 2012-13 and 2013-14, her income is depicted above Rs.40,000/-. In the light of material available on record, particularly the admitted case of the parties that they are BAMS doctors, it cannot be construed that the petitioner is not having sufficient income to maintain herself. The view taken by the Family Court is in accordance with the status and financial standing of the petitioner, and cannot be termed to be illegal or perverse. There is no illegality, infirmity or perversity in the judgment of the Family Court, which is hereby affirmed. Accordingly, the instant revision petition is dismissed.

23.10.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No