

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-121-2017

Date of Decision:- 22.03.2017

Mukesh Rana

....Petitioner

Versus

Diya Rana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Ms. Jasneet Mehra, Advocate,
for the petitioners.**

RITU BAHRI, J. (Oral)

Petitioner (husband) has filed the present revision petition against judgment dated 10.01.2017, passed by learned District Judge (Family Court), Karnal, whereby he has been directed to pay maintenance of ₹5,000/- per month to respondent No.2 (son) from the date of the filing of the application.

Learned counsel for the petitioner has argued that the petitioner has no source of income and he is not in a position to pay any maintenance amount. Moreover, the Court below has not considered the evidence led by the petitioner and wrongly directed him to pay maintenance of ₹5,000/- per month to respondent No.2. So, the impugned order is liable to be set aside.

As is evident from the record that learned District Judge (Family Court), Karnal, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, has granted the maintenance, by virtue of impugned judgment dated 10.01.2017, which in substance is as under: -

“In view of aforesaid observations it can be safely presumed that the respondent is earning sum of ₹15,000/- per month approximately, however, since, petitioner No.1 and the respondent appear to be having equal earnings therefore, petitioner No.1 is not entitled to receive maintenance from the respondent. However, since petitioner No.2 is the minor child of the parties therefore, the respondent has a moral and statutory duty to contribute in his maintenance. Petitioner No.1 has proved receipts of payment of the admission fee of petitioner No.2, Ex.P2 and 30.01.2014 to the tune of ₹12,364/-, Ex.P3 dated 8.4.2015 to the tune of ₹5,404/-, Ex.P4 dated 1.6.2015 to the tune of ₹4,380/-, Ex.P5 dated 6.8.2015 to the tune of ₹5,380/- Ex.P6 dated 9.1.2015 to the tune of ₹4,380/-, besides other receipts Ex.P29, receipt Ex.P21 to the tune of ₹1,840/- regarding the purchase of books for petitioner No.2, certificate Ex.P28 issued by the Coordinator, Adarsh Public School regarding the fee structure of UKG class. From the aforesaid documents it is apparent that the monthly fee of petitioner No.2 is approximately ₹2,600/- besides that there are other expenses like admission fee to be paid each year, transportation charges, books, uniform, special diet etc. Therefore, the monthly expenditure of petitioner No.2 is approximately ₹10,000/- per month which should be shared equally by the respondent being the father.

17. In view of aforesaid discussion and the facts and circumstances of the case though petitioner No.1 is not entitled to receive any maintenance, however, the respondent is directed to pay maintenance to the tune of ₹5,000/- per month to petitioner No.2 from the date of filing of the application.”

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned District Judge (Family Court) Karnal, has rightly granted the maintenance of ₹5,000/- per month to respondent No.2 (son), vide order dated 10.01.2017 and the same has been passed after appreciating the evidence in the correct

prospective. Since no ground for interference is made out, therefore, the present revision petition filed by the petitioner is hereby dismissed.

March 22, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No