

**107-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR(F)-132-2017

Date of decision-23.08.2017

Sanjay Kumar Mehta

...Petitioner

Vs.

Sujata and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The petitioner is impugning the order dated 18.02.2017 passed by the District Judge, (Family Court) Hisar whereby in a petition under Section 125 of the Code of Criminal Procedure, the petitioner/husband has been directed to pay a sum of ₹10,000/-per month as maintenance to the respondent No.2 who is minor daughter of petitioner.

It has been asserted in the petition that trial Court erred in awarding maintenance amount to the respondent No.2 without appreciating the facts and circumstances that the petitioner has been earning only salary of Rs.5,500/- and thus is not in a position to pay a sum of Rs.10,000/- per month to the respondent No.2/minor daughter. He claimed that respondent/wife is a working woman and is earning Rs.10,000/- per month and the learned Family Court has rightly dismissed the petition qua respondent/wife.

Perused.

In the instant case, Sanjay Kumar Mehta/petitioner was married to Sujata/respondent No.1-wife on 11.02.2008. Due to the ill-treatment and

the demand of dowry the respondent No.1/wife left the house and has been residing at her parental home. The respondent No.1/wife claimed that the petitioner is Sales Manager with Hindu Law Books, Delhi and has been earning ₹60,000/- per month and also owns 23 acres of agricultural land. The wife filed a petition seeking maintenance for her minor daughter.

Aggrieved against the order, the husband has filed the instant revision petition claiming himself to be working as an agent for sale of Law Books and claims that his income is not more than Rs.5,500/- per month and the trial Court has not referred to this fact. The respondent/wife has produced on record copy of account book/account statement and jamabandi of land owned by petitioner.

In the circumstances, it cannot be said that the amount of ₹10,000/- per month is on higher side for maintenance of the child, especially in the present scenario of high rise in the cost of living. As per record, the petitioner owns 23 acres of land and it is highly improbable that a owner of such a huge chunk of land would service at a salary of ₹5,500/- per month.

In that view of the matter, the Court below rightly fixed the maintenance in favour of respondent No.2. There is no illegality or perversity in the impugned order. The petition is accordingly dismissed.

August 23, 2017

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No