

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

CRR(F) No.185-2017 (O&M)

Date of Decision: November 13, 2017

Arvinderdeep Singh

...Petitioner

Versus

Gurpreet Kaur and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Surinder Gaur, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks to challenge the order dated 23.03.2017 passed by District Judge, Family Court, Faridkot allowing interim maintenance under Section 125 Cr.P.C. to the respondents .

2. Briefly stated, Gurpreet Kaur, respondent No.1 herein, filed a petition under Section 125 Cr.P.C. seeking maintenance for herself and her minor son born out of her wedlock with petitioner-Arvinderdeep Singh. An application was also preferred for interim maintenance on the ground that she had no source of income and was unable to maintain herself and the minor child. It was alleged that the petitioner is employed as a Lecturer in Akal University, Talwandi Sabo and is getting salary of Rs.20,000/- per month and apart from that he is giving tuition and earning another sum of

Rs.20,000/- per month. It was alleged that the family members of Arvinderdeep Singh were well-to-do, as the father of her husband had retired and was getting a pension to the tune of Rs.25,000/- per month, whereas the elder brother was employed with Haryana Police with a monthly income of Rs.50,000/- per month. It was stated that the petitioner did not have any other liability or responsibility to shoulder, except to maintain the complainant and his minor child. The reply was filed to the application seeking interim maintenance, in which it was stated that the complainant had left the society of the petitioner without any reasonable cause and being educated, was able to maintain herself and her minor child and therefore, would not be entitled to any maintenance, as claimed. The District Judge, Family Court, while noting the contentions raised, assessed the income of the respondent husband to be Rs.12,000/- per month and on the basis of which he directed that the respondents herein would be entitled to Rs.5,000/- per month as interim maintenance. Out of the said amount Rs.2,000/- per month was to be given to the complainant-wife and a sum of Rs.3000/- to the minor child. Aggrieved the instant petition has been filed

3. Mr. Surinder Gaur, learned counsel appearing on behalf of the petitioner argues that the District Judge has erred in awarding maintenance, while arguing that the amount of Rs.3,000/- per month, which is to be paid to the minor child, is on the higher side. It is also submitted that the complainant is not entitled to any maintenance, as she left the company of the petitioner of her own accord. Moreover, it is argued that she is educated and capable of maintaining herself and the minor child.

4. I have heard the counsel for the petitioner and have also gone through the pleadings and do not find any ground made out to interfere in the interim maintenance that has been awarded.

5. Section 125 Cr.P.C. was enacted as a social measure to put an end to the agony, anguish, financial suffering of a woman, who left her matrimonial home for no fault of her, so that some suitable arrangements can be made by the Court in order for her to sustain herself and also her children. These proceedings are in the form of summary in nature and the matter has to be decided on the basis of some averments/pleadings/documents supported by the parties.

6. In the instant case, the District Judge took note of the fact that the petitioner was a qualified MCA and was working as a Lecturer with Akal University, Talawdi Sabo. A salary slip was relied upon to show that he was employed. It is on this basis that an amount of Rs.5,000/- has been assessed as interim maintenance, which cannot be said to be on the higher side. An unqualified person i.e. a daily wager, is held capable of earning about Rs.9000/- to Rs.10,000/- per month and the petitioner herein is a Lecturer with an MCA degree, therefore there is no infirmity in holding that the petitioner is earning around Rs.12,000/- per month. Needless to say, any interim maintenance fixed is provisional and subject to evidence being led by both the parties. Since there is no dispute about the fact that complainant/respondent No. 1 is the legally wedded wife and respondent No. 2-minor child born out of this wedlock, the petitioner has a moral and illegal obligation to support them.

7. This court is of the considered opinion that there is no infirmity in the orders passed allowing interim maintenance, therefore, this petition is dismissed being devoid of any merit.

November 13, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No