

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

CRR(F)-219-2017

Date of decision-18.09.2017

Ranjit Mehta

...Petitioner

Vs.

Sonia and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S.Sidhu, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The petitioner is impugning the order dated 18.04.2017 passed by the District Judge, (Family Court) Barnala whereby the petitioner/husband had been directed to pay a sum of ₹7,000/-per month as interim maintenance to the respondents (₹3000/- for respondent No.1 and ₹2,000/- each for respondent Nos.2 and 3 who are minor daughters of petitioner) in the proceedings under Section 125 of the Code of Criminal Procedure, 1973.

It is asserted that the petitioner is a matriculate, unemployed person and does not have any movable and immovable property even to maintain himself and thus is not in a position to pay a sum of ₹7,000/- per month to respondents. It is claimed that respondent/wife is well qualified working woman and has been earning ₹35,000/- per month. The impugned order has been passed without considering this factual aspect of the matter.

I have heard learned counsel for the petitioner and have gone through the case file.

The parties solemnized marriage on 08.11.2005 as per rituals of

Dera Sacha Sauda, Sirsa. Respondent Nos.2 and 3 were born out of the wedlock. In the month of October, 2015 the petitioner and his family members threw the respondent No.1 along with two minor children out of the matrimonial home. Thereafter, the respondent No.1 along with her children has been residing at her parental home. The respondent No.1/wife claims that the petitioner is running a spare parts shop and has been earning ₹50,000/- per month.

At this stage there is no positive proof on record that the petitioner being an able bodied person is not earning anything or that he is not running the spare parts shop.

In the circumstances, this Court feels that the amount of ₹7,000/- per month by no stretch of imagination can be said to be on higher side for maintenance of the wife and two daughters especially in the present scenario of high rise in the cost of living.

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

September 18, 2017

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No