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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-300-2017 (O&M)
Date of decision : 11.08.2017

Pinku

... Petitioner

Versus

Deepa and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. C.R. Narwal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned order dated 31.01.2017, whereby the District Judge, Family Court, Rohtak has awarded the interim maintenance *pendente lite* @ ₹ 5,000/- per month to the wife and ₹ 2,500/- per month to the minor child, in the proceedings initiated under Section 125 of the Criminal Procedure Code.

Learned counsel for the petitioner submits that the petition was instituted on 18.03.2016 accompanied by an interim application. The total outstanding amount of ₹ 1,25,000/-, as on the date of the order, is due. Since the petitioner has given only a sum of ₹ 10,000/- against the total outstanding amount, the Court below vide order dated 02.08.2017 has committed the petitioner to undergo civil imprisonment on account of non-payment of arrears of maintenance of ₹ 22,500/- for the period w.e.f. 18.03.2016 to 18.06.2016.

He further submits that the petitioner is sitting idle and has no

work at his hand and unable to pay the maintenance.

I have heard the learned counsel for the petitioner and appraised the paper book and of the view that once the petitioner has performed the marriage with wife and has borne a child out of it, he is duty bound and obliged both under the law, as well as morally to maintain them. Having failed to take any steps to clear the arrears, a consequence in law has been followed.

It has also been brought to the notice of this Court that the petitioner had filed a petition under Section 9 of the Hindu Marriage Act, but the same has been withdrawn. Once the petitioner has shown his inability to maintain the wife, the order dated 02.08.2017 has rightly been passed.

For the foregoing reasons, I do not find any illegality and perversity in the impugned order, under challenge, much less, no ground is made out for interference and accordingly, the present petition is dismissed.

Even no explanation of filing the revision petition within limitation period is also backed by sufficient reasons/grounds and accordingly, the criminal revision petition is also dismissed on ground of limitation.

11.08.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**Whether speaking/reasoned **Yes/ No**Whether Reportable **Yes/ No**