

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

**CRR(F)-388-2017
Date of decision-03.10.2017**

Ashwani @ Aashu

...Petitioner

Vs.

Smt. Madhu

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Amit Choudhary, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The instant revision petition has been filed for setting aside the impugned order dated 26.07.2017 passed by District Judge, (Family Court) Bhiwani whereby the petitioner/husband had been directed to pay a sum of Rs.5,000/-per month as maintenance to the respondent in the proceedings under Section 125 of the Code of Criminal Procedure, 1973.

It is contended that the respondent-wife is not entitled to receive any maintenance or expenses because she herself refused to live with the petitioner and Section 125 (4) of Cr.P.C clearly mandates that wife who willingly and without any sufficient cause refused to live with her husband is not entitled to receive any maintenance.

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

The parties had solemnized marriage on 18.05.2011 as per Hindu rites and ceremonies. Allegedly, due to dowry demands and harassment, on 28.05.2013, respondent/wife left the matrimonial home and has been residing at her parental home. The respondent/wife claimed that the

petitioner has been running a business of photo framing and earning Rs.20,000/- per month. Though no evidence has been adduced by the respondent in this regard but being an able bodied person can easily earn a sum of Rs.250/- per day as minimum wages. At this stage, it cannot be said that respondent-wife is living separately from the petitioner without any sufficient cause.

In the circumstances, this Court feels that the amount of Rs.5,000/- per month by no stretch of imagination can be said to be on higher side for maintenance of the wife 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 maintenance in favour of respondents. There is no illegality or perversity in the impugned order. The revision petition is devoid of any merits and is accordingly dismissed.

October 03, 2017

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No