

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

**CRR(F)-439-2017
Date of decision-30.10.2017**

Rakesh Kumar

...Petitioner

Vs.

Rajni and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.K.Manchanda, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

The present revision petition has been filed for setting aside the impugned order dated 18.09.2017 passed by District Judge, (Family Court) Barnala whereby the petitioner/husband had been directed to pay a sum of ₹5,000/-per month as interim maintenance to the respondent(s) (₹2,000/- for respondent-wife and ₹1,500/- each for both minor children of the petitioner) in the proceedings under Section 125 of the Code of Criminal Procedure, 1973.

It is asserted that the petitioner is working as driver on casual basis and does not have any movable and immovable property or any regular income, thus he is not in a position to pay a sum of ₹5,000/- per month to respondent(s). It is claimed that respondent/wife is well qualified woman and she is working as teacher in Lala Lajpat Rai Arya Primary School, Bhadaur. She has herself deserted and neglected the petitioner. 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 marriage was solemnized on 28.05.2006. Out of the wedlock three children were born. Presently one child is living with the petitioner whereas two others have been living with respondent No.1. Allegedly, due to demands of dowry and harassment, on 18.09.2016, respondent/wife was constrained to leave the matrimonial home and has been residing at her parental home. The respondent/wife claimed that the petitioner has been running a business of repairing of mobile phones and also deals in sale/purchase of vehicles and earning ₹2,00,000/- per month. At this stage, it cannot be said that respondent-wife is living separately from the petitioner without any sufficient cause. The petitioner is an able-bodied person. Even a daily wager in the State of Punjab can easily earn a sum of ₹291/- per day. He is legally and morally bound to maintain his wife and children.

In the circumstances, this Court feels that the amount of ₹5,000/- per month by no stretch of imagination can be said to be on higher side for maintenance of the wife and minor children 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. Thus, present revision petition is accordingly dismissed.

30.10.2017

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No

(JITENDRA CHAUHAN)
JUDGE