

235 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-72-2017 (O&M)

Date of Decision: 27.11.2017.

Ashu Rani and another

... Petitioners

Versus

Kulbhushan Singla

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Rajan Bansal, Advocate for
Mr. Ashish Gupta, Advocate,
for the petitioners.

JITENDRA CHAUHAN.J.(ORAL)

This revision is directed against the order dated 29.11.2016, passed by District Judge, Family Court, Faridkot, vide which petition filed by petitioner No.1, Ashu Rani under Section 125 Cr.P.C for grant of maintenance to her was dismissed whereas, petitioner No.2 son of petitioner No.1 was awarded maintenance amount of Rs.5000/- per month.

It is contended by the learned counsel for the petitioners that even if the petitioner No.1 is a working woman still it is the bounden duty of the respondent to maintain her. The Court below has committed illegality in disallowing grant of maintenance to petitioner No.1. It is further contended that the amount of Rs.5000/- awarded as maintenance to petitioner No.2 is on the lower side. The Court below ought to have assessed the income of the respondent as Rs.30,000/- per month.

Heard.

In the cross-examination, PW-2 father of petitioner No.1 has admitted that his daughter Ashu Rani is posted at Jaitu Sarswati School, Jaitu. This being so, the petitioner No.1 cannot be said to be unable to maintain herself.

This Court in authority **Suryasnata Das vs. Nishikant Das 2017(2) RCR (Criminal) 92** has held as under:-

“In the instant case the husband has requisite means. There is another inseparable condition which has also to be satisfied that the wife was unable to maintain herself. These two conditions are in addition to the requirements that the husband must have neglected or refused to maintain his wife. There is sufficient material to show that the wife was earning. She is highly educated. She has not pleaded that she was unable to maintain herself. The wife is a qualified Doctor and has admitted that she is earning salary of Rs. 1,35,000/- in the affidavit submitted in the Court of CJM Gurgaon. The copy of that statement is also available on record. The wife is earning a respectable salary. The petitioner has not placed on record details of the expenses incurred for the child per month. The husband had offered to pay the actual amount spent on the school fees and the other related expenses i.e. transportation, expenses made extra curricular activities and had given an affidavit in this regard. He had also started depositing Rs. 50,000/- beyond what was allowed by the Courts below to show that the child gets the best education.”

As regards the petitioner No.2, the petitioners have not proved the income of the respondent whereas, the respondent

claims his income to be Rs.5000/- per month. Faced with this situation, the trial Court presumed the income of the respondent to be Rs.10,000/- to Rs.12,000/- per month. Out of that, a sum of Rs.5000/- has been awarded as maintenance to petitioner No.2. In the circumstances, this Court finds no illegality or irregularity in the impugned judgment calling for interference by this Court in exercise of its revisional jurisdiction. The impugned order is absolutely perfect in law.

Dismissed.

27.11.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No