

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

**CRR (F) No.8 of 2017 (O&M)
Date of decision: 21.02.2017**

Smt. Munesh

...Petitioner

Versus

Raju @ Jai Kishan

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Deepa Jain, Advocate,
for the petitioner.

Ritu Bahri, J.

CRM No.597 of 2017

For the reasons mentioned in the application, same is allowed and
delay of 233 days in filing of the petition is condoned.

CRR (F) No.8 of 2017

This petition has been filed against the order dated 25.02.2016
passed by the District Judge, Family Court, Faridbad, whereby on an
application filed by petitioner-wife under Section 125 Cr.P.C., respondent-
husband has been directed to pay maintenance of Rs.2000/- per month each
only to the minor children (petitioner Nos. 2 and 3 therein). However,
petitioner-wife has not been held entitled to get maintenance from her
husband-respondent on the ground that she was earning sufficient income
by running a beauty parlour and cosmetic shop.

While passing impugned order, the trial Court has observed that in a petition filed under Section 6 of the Hindu Minority and Guardianship Act, petitioner-wife examined herself as RW-1 and in her cross-examination, she stated that her monthly income was Rs.15,000/- to Rs.20,000/- per month. In that case, her father tendered his affidavit as Ex.RW1/D and in his cross-examination, he deposed that her daughter (petitioner herein) was running a shop of beauty parlour and was earning Rs.25,000/- to Rs.30,000/- per month. At the same time, her case was that the respondent-husband was having income of Rs.10,000/- per month. He was also doing a job of Field Officer at Gurgaon and was getting salary of Rs.15,000/- per month. Apart from that, he had agricultural land in village Ladpur, Kosi and was earning Rs.50,000/- yearly. However, no evidence was led by her to prove the above said fact.

By taking the income of respondent-husband as Rs.8000/- per month as that of a daily wager, Rs.2000/- per month has been awarded to each of the child.

Learned counsel for the petitioner has argued that vide impugned order, maintenance has been wrongly declined to the petitioner-wife.

However, this aspect has been rightly considered by the trial Court while declining maintenance to the petitioner-wife, as no evidence was led by her to show that her husband was earning more than her own income.

After going through the impugned order, this Court is of the view that by taking the income of respondent-husband to be that of a daily wager, maintenance has been rightly awarded at the rate of Rs.2000/- per month to each of the child. Further, the petitioner-wife has also been rightly declined

maintenance in view of the fact that she was earning sufficiently by running a beauty parlour. Hence, no ground is made out to interfere in the impugned order.

Dismissed.

21.02.2017
ajp

(RITU BAHRI)
JUDGE

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