

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

CRM-M No.44059 of 2018

Date of decision: 12th November, 2018

Dinesh Kumar

... Petitioner

Versus

Shobha Kumari & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Arora, Advocate for the petitioner.

FATEH DEEP SINGH, J.

The petitioner husband Dinesh Kumar has sought to challenge through invocation of provisions under Section 482 Cr.P.C. order dated 04.10.2016 of the learned Judicial Magistrate 1st Class, Jalandhar granting maintenance to the tune of Rs.2500/- per month towards the wife Shobha Kumari and Rs.1500/- towards minor daughter Hiya along with Rs.10,000/- as litigation expenses, as well as the orders of revisional Court of learned Additional Sessions Judge, Jalandhar dated 05.06.2018 whereby the amount of maintenance was enhanced to Rs.3000/- per month towards each of the respondents.

Heard Mr. Sandeep Arora, Advocate for the petitioner and perused the records.

Admittedly, the husband is running a saw-mill. Though learned counsel for the petitioner has sought to deny the same but his claim that the petitioner is working in a milk dairy and getting Rs.10,000/- per month as salary, cannot be accepted when the husband

for obvious reasons has failed to get himself cross-examined by opposite side, are matters which speak ill of the conduct of the husband who is trying to evade his obligations towards the desolate wife and minor daughter. The Court below has drawn the conclusion that the husband is also bestowed with immovable property and therefore has rightly considering the circumstances of the two sides, taken cognizance of the fact that the husband had built 25 quarters on his plot and earning monthly rent of Rs.50,000/- besides earning Rs.45,000/- per month from his saw mill in Jalandhar and therefore, the learned Magistrate had drawn a conclusion that there is a total earning of Rs.95,000/- per month.

Learned counsel for the petitioner, to the specific query of the Court, was totally at a loss of words and could not point out any illegality or perversity in the findings of the courts below. This Court does not feel that there is any legal necessity for showing intervention by exercise of inherent powers under Section 482 Cr.P.C. The petition being hopelessly without any merit, stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

November 12, 2018

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No