

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

CRM-M No.45590 of 2018
Date of decision: 15th October, 2018

Kamaljeet Singh

... Petitioner

Versus

Sonia

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Som Nath Saini, Advocate for the petitioner.

FATEH DEEP SINGH, J.

The present petition invoking inherent jurisdiction of this Court under Section 482 Cr.P.C. has come about by the husband petitioner Kamaljeet Singh against respondent wife Sonia.

As is there in the records and so is in the arguments of learned counsel for the petitioner, the wife filed a petition under Section 125 Cr.P.C. for grant of maintenance before the Court of learned Judicial Magistrate 1st Class, Rajpura. In the said petition, a prayer by way of application for seeking interim maintenance was also filed and vide orders dated 10.04.2017 (Annexure P5), the learned Judicial Magistrate allowed interim maintenance to the tune of Rs.1000/- per month to the applicant wife from the date of application. The same was challenged by the husband as well as the wife in their separate revisions which were taken up and decided together vide impugned order dated 23.08.2018 (Annexure P8), whereby the petition filed by the husband was dismissed

whereas that of the wife was allowed and the amount of interim maintenance was enhanced from Rs.1000/- per month to Rs.2000/- per month.

The inter-se relationship is not at all a disputed proposition between the parties, as is highlighted from the file. The husband admits that he is carrying on agricultural pursuits. The documentary evidence by way of jamabandi establishes that the husband owns agricultural land and he is able bodied person. The Court below has rightly considered that even a daily-wage earner earns Rs.9,000/- per month and the claim of the husband that the wife is gainfully employed, could not be established by any means. Even otherwise, husband is under legal bounden duty to maintain his wife, who has been thrown out of the matrimonial home, commensurate with his economic status. Having regard to the escalating prices of essential commodities and the cost of living, this Court certainly does not differ with the award of interim maintenance to the tune of Rs.2,000/- per month that the same could be illegal or perverse necessitating intervention by this Court. The impugned order is apparently not bad in law and needs to be upheld. There being no merit in the present petition, the same stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

October 15, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No