

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

CRR-1931-2016

Date of decision:-20.9.2018

Gagandeep Markan

...Petitioner

Versus

Meenakshi

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sumeet Puri, Advocate
for the petitioner.

Mr.M.S. Dhaliwal, Advocate
for the respondent.

H.S. MADAAN, J.

Meenakshi (herein respondent) estranged wife of Gagandeep Markan had brought a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as '*the Act*') against Gagandeep Markan (herein petitioner) and others. On getting, notice, the respondents appeared. In such proceedings, she (Meenakshi) had moved an application under Section 23 of the Act for grant of ad-interim maintenance. Vide order dated 23.9.2015, the said application was accepted by learned Sub Divisional Judicial Magistrate, Dhuri observing that Rs.3,000/- per month would be sufficient for Master Divyan, minor son of the parties residing with her mother Meenakshi – petitioner as his maintenance and for day to day expenses, which amount the petitioner and respondent No.1 were to share equally. As such, Gagandeep Markan

– respondent No.1 was directed to pay a sum of Rs.1,500/- per month towards maintenance of Master Divyan to the petitioner from the date of filing of application till disposal of the case.

Petitioner Meenakshi was aggrieved by the said order and she challenged the same by filing an appeal to the Court of Sessions. It was marked to learned Additional Sessions Judge, Sangrur, who vide order/judgment dated 14.3.2016, keeping in view the facts and circumstances of the case, status of the parties came to the conclusion that amount assessed by the trial Court for maintenance of Master Divyam @ Rs.3,000/- per month was on lower side and proper amount was Rs.8,000/- per month, accordingly enhanced the same to such amount directing Gagandeep Markan to pay Rs.4,000/- per month being 50% of Rs.8,000/- per month from the date of application till disposal of the case. In that way, the appeal was allowed.

The respondent – Gagandeep Markan is dissatisfied with such order passed by learned Additional Sessions Judge, Sangrur and has brought the present petition praying that the same be accepted and impugned order/judgment passed by learned Additional Sessions Judge, Sangrur enhancing the interim maintenance from Rs.1,500/- per month to Rs.4,000/- per month be set aside.

Notice of the petition was given to the respondent, who has put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Here the relationship between the parties is not disputed so is

the fact that Master Divyam minor son of the parties is residing with her mother Meenakshi. It is legal as well as moral responsibility of a father to maintain his son unable to maintain himself. As per the salary slip of Gagandeep Markan for the month of March, 2015, he got Rs.42,791/- for the said month. The respondent Meenakshi is also working as a Government Teacher, earning almost the same amount. Keeping in view the needs of a growing child including clothing, food, medical requirements etc., his father made to pay Rs.4,000/- per month out of monthly salary of Rs.42,791/- cannot be faulted and no interference with such direction is called for. Even after paying Rs.4,000/- per month, the revisionist would be left with more than Rs.38,000/- for spending it on himself. The child is stated to be aged about 6 years presently. The revisionist cannot escape from his liability to pay monthly maintenance allowance to his minor son taking up a plea that mother of the child is also working. Both the parents have got responsibility to their child, which they cannot shirk.

The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment passed by a Court below or the same is perverse and not otherwise.

In the present case, I do not find any such illegality or infirmity with the impugned judgment much less apparent on the face of it. The judgment is certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned judgment.

Therefore, criminal revision petition challenging that judgment cannot survive and is dismissed accordingly.

20.9.2018

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No