

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

CRR(F) No.100 of 2015 (O&M)
Date of decision: 31st October, 2018

Chandrup

... Petitioner

Versus

Shakuntla & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.A. Sheoran, Advocate for the petitioner.

Mr. Sumit Sangwan, Advocate for the respondents.

FATEH DEEP SINGH, J.

The respondents, wife Shakuntla and her minor son Ranbir alias Sanjay initially instituted against the petitioner husband and father respectively Chandrup an application under Section 125 Cr.P.C. The brief grounds were to the effect that a marriage between Shakuntla and Chandrup was solemnized on 06.06.1993 and out of this marriage, applicant No.2 Ranbir alias Sanjay was born. The couple resided together and during the course of time, as is there in the allegations of the applicants, the elder brother of the husband, namely Satyavir died on 06.09.2001 leaving behind his widow Roshani and three children. The wife in the present case alleges that the respondent intentionally developed relationship with the widow of his brother and ignored the

applicants, as a consequence of which the present application was filed on 26.08.2013 whereby the wife and the son claimed that the respondent husband was a rich agriculturist owning agricultural land and was bestowed with all amenities of life whereas the applicants were not having any source of income to maintain themselves and were totally dependent upon the respondent husband and thus, claimed maintenance for their upkeep.

The husband in his stand though admitted the inter-se relationship and birth of the child but claimed that there was no truth in the allegations levelled by the applicants and rather it was the undue stand of the wife forcing the husband to transfer his 4 acres of land in her favour on account of which a dispute has arisen and she has filed the present application by way of pressure tactics. The matter was compromised and the couple started residing together separately from the family of the deceased elder brother and thereafter again the wife under the influence of her parents resorted to the present recourse. The husband took the plea that the wife and the son were having sufficient income and were not dependent upon the husband.

The applicants in their evidence, examined Shakuntla as PW1, her father Dharampal as PW2 and closed the evidence. On the other hand, husband himself testified as RW1 and closed the evidence.

Consequent thereupon, through the impugned order dated 10.02.2015 the Court of learned District Judge (Family Court), Bhiwani allowed the application of the applicants and awarded a sum of Rs.2000/- per month to the wife and a similar amount per month to the son, totalling to Rs.4,000/- per month. The husband filed instant criminal revision challenging that order before this Court.

Upon hearing Mr. R.A. Sheoran, Advocate for the petitioner; Mr. Sumit Sangwan, Advocate for the respondents and on perusal of the records.

It is by no means disputed by the husband that he is an agriculturist though on behalf of the respondents the same is sought to be controverted with much force and vehemence by Mr. Sumit Sangwan, Advocate. The provisions of Section 125 Cr.P.C. are welfare in nature for the betterment of the destitute and to ensure that the dependents are not left in a lurch at the mercy and vagrancies of the world. Admittedly the husband is an able bodied person with no other dependent and he owns agricultural land. The Court below has taken note of this economic status of the husband and has drawn the conclusion that he has sufficient means and has knowingly and intentionally refused to maintain the dependents who are the applicants before the Court below. The husband is under legal obligation to

maintain the wife and minor child. Though the Court below has awarded a meager amount of Rs.2000/- to each of the two applicants, in all totaling to Rs.4000/- but having regard to the present day economic scenario, the same is mere a pittance and cannot be termed to be on higher side and learned counsel for the petitioner could not convince this Court how the impugned order is illegal in its findings or perverse in its approach. The findings of the Court below do not suffer from any infirmity and thus need to be upheld. The present revision petition being hopelessly without any merit, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

October 31, 2018

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No