

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR (F) No. 14 of 2015 (O&M)

Date of decision : 26.7.2018

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Baljeet Singh

.....Petitioner

vs.

Smt. Sunil Devi and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. V.S. Punia, Advocate
for the petitioner.

Mr. R.A. Sheoran, Advocate
for the respondents.

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H. S. Madaan, J.

This revision petition is directed against order dated 1.9.2014 passed by District Judge (Family Court), Bhiwani, vide which while allowing petition under Section 125 Cr.P.C., the respondent was directed to pay a sum of Rs.7,000/- per month, i.e. Rs.3,000/- per month to petitioner No.1 and Rs.2,000/- each to petitioners No. 2 and 3, from the date of filing of petition.

Respondent Baljeet Singh, who is revisionist, prays that the impugned order be set aside and petition filed by the petitioners

be dismissed.

Briefly stated, facts of the case are that petitioner Sunil Devi aged about 29 years - wife, Jai Bhagwan, aged about 11 years - minor son and Seetal aged about 9 years - minor daughter of Baljeet Singh – respondent, had brought a petition under Section 125 Cr.P.C. against the latter claiming monthly maintenance allowance. Notice of the petition was given to the respondent, who put in appearance and filed written reply contesting the same. The parties were afforded opportunities to lead evidence. During the course of evidence, the petitioner Sunil Devi got her statement recorded as PW-1 and thereafter evidence of petitioner stood closed. However, the respondent did not lead any evidence in rebuttal and his evidence was closed by order of the Court on 15.10.2013.

After hearing the arguments, the trial Court accepted the petition and allowed maintenance as mentioned above.

I have heard learned counsel for the parties, besides going through the record and I do not find any merit in the revision petition. The relationship between the parties is admitted, so is the fact that petitioners are residing separately from the respondent. On the basis of evidence adduced by the petitioner, which has gone un-rebutted, it comes out that after marriage between petitioner No.1 and respondent, petitioner No.1 was subjected to maltreatment and harassment at the hands of respondent and his family members, who were not satisfied with the dowry articles given to petitioner No.1 by her parents and they wanted her to bring more dowry articles. When she could not get those demands fulfilled, she was turned out of the

matrimonial home, after giving beatings on 12.10.2003 and she alongwith children had to fall back upon her parents, for residence and financial support. Petitioner No.1 had lodged FIR No. 59 of 2004 for offences under Sections 498-A and 406 IPC with Police Station Pillani against the respondent and his family members in which Baljeet Singh was convicted vide judgment dated 27.7.2007. Earlier too a petition under Section 125 Cr.P.C. had been filed by the present petitioners against the respondent, wherein the latter was directed to pay Rs.2,000/- per month, but that petition was withdrawn on the basis of compromise. Thus it comes out that petitioners are residing separately from the respondent for a justifiable reason. It is consistent case of the petitioners that they are not possessed of any properties and are not having any source of income from which they could meet their needs. The trial Court on appraisal of evidence has also come to this conclusion.

It further transpires that respondent though being under a legal obligation to maintain the petitioners, has neglected and refused to do so. Though in the revision petition he is alleged that he had paid a sum of Rs.5,00,000/- to the petitioner in lumpsum for her maintenance and that of the children, but then he could not bring any evidence in that regard on record. Admittedly, he is a young able bodied person. The trial Court keeping in view the earning capacity of the respondent, the economic status of the parties, bare needs of the petitioners, trend of rising prices, has fixed the monthly maintenance allowance which can certainly be not called on higher side. The impugned judgment is well reasoned one, based upon

proper appraisal and appreciation of evidence and correct interpretation of law. There is no illegality or infirmity in the impugned order which might have called for interference by this Court while exercising the revisional jurisdiction.

The revision petition being without any merits stands dismissed.

26.7.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No