

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

Crl. Rev. (F) No. 105 of 2016 (O&M)
Date of decision : 05.12.2018

Sukhwinder Singh

.....Petitioner(s)

Versus

Paramjit Kaur and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. Sandeep K. Sharma, Advocate and
Ms. Gurdeep Kaur, Advocate
for the respondents.

ANITA CHAUDHRY, J.

This petition has been filed assailing the order dated 09.02.2016, passed by the Family Court, S.B.S. Nagar, on the application filed under Section 125 Cr.P.C.

Record had been summoned. I have heard counsel of both the sides.

Counsel for the petitioner contends that the claim of the respondents before the Court below was that the petitioner owned 10 acres of land and was earning Rs.30,000/- per month and a mini bus and there was additional income and the Court had assessed the monthly income to be Rs.60,000/- out of which Rs.9,000/- per month has been allowed to the wife

and children. The counsel says that the petitioner owned 50 Kanals of land and the land received by the petitioner was from his father and his mother & sister had staked a claim and a decree was passed and his share was small. The counsel contends that there is no monthly yield from agricultural land and the petitioner is a heart patient and is unable to pay and he has to take care of his old mother.

On a query raised about the health of the petitioner, the counsel refers to the suggestion given to the respondent with respect to the heart ailment.

Counsel appearing for the respondents urges that the Jamabandi was placed on record and the decree that was passed was collusive and the matter is under challenge and there is a charge created on the land. The counsel submits that considering the price rise of commodities and the education, the amount which had been allowed to the children was already on the lower side. The counsel says that there was no evidence that the petitioner was suffering from any heart ailment and the petitioner had admitted in the cross-examination that he had contributed in the purchase of a bus and he has a share and income from plying a bus and he also works as a conductor and the correct income has not been disclosed by the petitioner. The counsel says that the children are school going and over 9 – 10 years of age and the expenses are growing every year and the amount allowed is on the lower side.

No document has been placed on record to show that the petitioner was suffering from any heart problem. He is able bodied. According to him, he owns 60 Kanals of land. The petitioner had also

admitted in the cross-examination that he contributed money for purchase of a bus. He had admitted that he had worked as a conductor for some time. He has the capacity to earn. There is no evidence to show that the wife was literate enough to earn for herself and for her children. The children are school going. In view of the admission of the petitioner that he had a share in the bus and that he owns over 60 Kanals of land, I find that the amount allowed to the respondents is not on the higher side.

There is no merit in the petition and is dismissed.

05.12.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No