

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

(1) CRR(F)-350-2016

Monika and others

...Petitioners

Versus

Manish Kumar Obrai

...Respondent

(2) CRR(F)-406-2017

Manish Kumar Obrai

...Petitioner

Versus

Monika and others

...Respondents

Date of Decision:-26.9.2018

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

Present: Mr.Sandeep Kumar Bokolia, Advocate
for the petitioners in CRR(F)-350-2016 and
for the respondents in CRR(F)-406-2017.

Ms.Sandeep Kaur, Legal Aid Counsel
for the petitioner in CRR(F)-406-2017 and
for the respondent in CRR(F)-350-2016.

H.S. MADAAN, J.

By this order, I shall dispose of two criminal revisions i.e.

CRR(F)-350-2016 filed by petitioners – Monika and others and CRR(F)-406-2017 filed by petitioner Manish Kumar Obrai

Petitioner Monika, estranged wife, Kanish and Bharvi minor daughters of Manish Kumar Obrai had filed a petition against the latter claiming maintenance @ Rs.10,000/- per month for each of the petitioner and litigation expenses of Rs.20,000/-.

On getting notice, respondent appeared and contested the petition.

Vide order dated 13.7.2016, Judge, Family Court, Faridkot dismissed the petition qua petitioner No.1 Monika but allowed it with regard to minor petitioners No.2 and 3 granting them maintenance @ Rs.2,500/- and Rs.2,000/- per month, respectively.

Both the sides felt aggrieved by the said order and have filed separate revision petitions, which are being taken up together for disposal.

In CRR(F)-350-2016 filed by petitioners Monika and others, they crave that maintenance allowance be granted to petitioner No.1 also, which has been wrongly denied to her, whereas maintenance at enhanced rate be granted to minor petitioners No.2 and 3, as prayed for in the petition.

Whereas in CRR(F)-406-2017 filed by petitioner Manish Kumar Obrai, he prays for dismissal of the petition.

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

At the very outset, it may be stated here that the relationship between the parties is not disputed so is the fact that petitioners are

residing separately from respondent. The trial Court by giving valid reasoning has come to the conclusion that the petitioner No.1 - wife is residing separately from respondent without any justifiable reason and that she is not being compelled to reside separately on account of any alleged maltreatment or harassment at the hands of the respondent. It has been observed that behaviour and attitude of petitioner No.1 towards her husband was not proper and her family members had been unnecessarily interfering in the marital life of the spouses and as a matter of fact Sh.Kundal Lal, father of respondent had transferred half share of house in the name of petitioner. Though the petitioner No.1 had got registered an FIR under Section 498-A IPC on 4.8.2012 against her husband, the respondent but those allegations were found to be false. Learned trial Court has found that the petitioner No.1 is working as a beautician and she is enjoying good health, as such a skilled worker, who is expected to earn for the family, whereas observing that respondent is getting salary of Rs.1,32,000/- per annum i.e. Rs.11,000/- per month around and he has to look after his old father and an unmarried mentally retarded sister of 40 years, monthly maintenance allowance to petitioners No.2 and 3 was granted.

Further, CRR(F)-406-2017 filed by petitioner Manish Kumar Obrai is bound to fail on merits but in addition to that it is time barred having been filed belatedly by 357 days. Though an application under Section 5 of the Limitation Act for condonation of delay in filing of the revision petition has been filed for the reason that on account of poverty and illiteracy and unaware about period of limitation, he could not file the

revision petition within stipulated period but I do not find this reasoning to be convincing and satisfactory.

Section 3 of the Limitation Act, 1963 deals with Bar of Limitation providing that every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence.

The order passed by the trial Court is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. I do not see any reason to interfere with the same by allowing the revision petitions filed by both the parties.

Finding no merits, both the petitions stand dismissed.

26.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No