

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

**CRR(F) No. 366 of 2016 (O&M)
DATE OF DECISION :- August 08, 2018**

Parmod Kumar

...Petitioner

Versus

Smt. Seema

...Respondent

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

Present:- Mr. Deepak Girhotra, Advocate for the petitioner.

Revisionist Parmod Kumar has filed the present Criminal Revision Petition challenging order dated 12.9.2016 vide which District Judge (Family Court), Sonapat had granted interim maintenance at the rate of Rs.6,000/- per month to his wife Smt. Seema from the date of filing of application besides litigation expenses of Rs.3300/-.

Briefly stated the facts of the case are that applicant Smt. Seema, aged about 25 years, wife of Parmod Kumar had filed an application under Section 125 Cr.P.C. against latter claiming monthly maintenance allowance, wherein she filed an application seeking interim maintenance, which was allowed. The Court below has taken into consideration the fact that respondent is stated to be running a Service Station under the name and style of Friend's Washing Bay at Rohtak earning Rs.50,000/- granted Rs.6000/- to the applicant as interim maintenance from the date of filing of application besides litigation expenses of Rs.3300/-.

Respondent-husband is feeling aggrieved by this order of the Court. According to him actually, he is doing a small job at the Service Station and earning Rs.7000/- per month; his said job was terminated in mid 2015 and

presently he is unemployed. The Court below has wrongly taken his monthly income to be Rs.50,000/- while granting maintenance at the rate of Rs.6,000/- per month to the applicant.

These days even a manual labourer manages to earn Rs.400-500/- per day. The cost of bare necessities of life is getting prohibitive. A wife is entitled to the same living standard as that of her husband. To meet bare necessities of food, clothing, health, transportation an amount of Rs.6,000/- awarded cannot be said to be on very higher side or exorbitant.

Learned District Judge while fixing the monthly maintenance allowance has taken into view the necessary facts and circumstances clarifying that the interim maintenance amount has been fixed as a temporary measure and the same shall be subject to variations at the time of contesting an application for interim maintenance. The parties may lead evidence and then the trial Court may fix/refuse to fix the monthly maintenance allowance, as the case may be. The revisional jurisdiction of this Court is quite limited. The Court is to interfere if there is illegality or infirmity apparent on the face of judgment/order passed by the Court below or for that matter the inference reached its perverse or the judgment/order has been passed in violation of certain principles of criminal law.

I do not find any illegality or infirmity in the impugned order which might have called for interference of this court while exercising revisional jurisdiction. Therefore, Criminal Revision Petition stands dismissed.

(H.S. MADAAN)
JUDGE

August 08, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No