

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

CRR No. 4577 of 2017 (O&M)

Date of Decision:30.01.2018

Joga Singh

..... Petitioner

Versus

Amarjit Kaur

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.S.Dadwal, Advocate
for the petitioner.

LISA GILL, J(Oral).

The petitioner is aggrieved of order dated 14.10.2016, passed by the learned Sub Divisional Judicial Magistrate, Samana, whereby a sum of ₹25,00/- per month, has been assessed as interim maintenance to be paid to the respondent-wife.

It is submitted that the petitioner is doing labour work on daily wage basis, as and when available. Therefore, the amount of ₹2500/- per month assessed by the learned trial Court is excessive. It is further contended that petition under Section 125 Cr.P.C., filed by the respondent-wife is not maintainable at Samana as she is in-fact living at Hoshiarpur alongwith her parents. In this view of the matter, it is submitted that the impugned order dated 14.10.2016, be set aside.

I have heard learned counsel for the petitioner and have gone through the file.

Marriage between the petitioner and the respondent solemnized on 06.07.2014, is not in dispute. It is specifically averred in her application under Section 125 Cr.P.C., that she was subjected to harassment and ill-

treatment at the hands of the petitioner and other family members on account of insufficient dowry and she was ultimately turned out of the matrimonial home on 22.06.2015. Efforts were made to rehabilitate the respondent, but to no avail. It is further stated that she has no source of income while the petitioner, an able bodied person is engaged in agriculture on his 4 acres of land as well as 10 acres of land taken on lease. It is further averred that he is doing the business of dairy farming and earning a total income of at least ₹90,000/- per month. Learned trial Court observed that this fact can only be proved after leading of evidence. In the present era, even a labourer earns minimum amount of ₹250 to ₹300/- per day. Therefore, the respondent would be in a position to earn at-least a sum of ₹7500/- to ₹9000/- per month, even if he is doing labour work. In this situation, a sum of ₹2500/- per month was directed to be paid as interim maintenance to the respondent-wife. It is obvious that the learned trial Court at this stage has taken the income of the petitioner as of a labourer only, therefore, the argument of the learned counsel holds no weight. The question of jurisdiction raised by the petitioner needless to say, will be looked into by the learned trial Court alongwith the entire facts and circumstances of the case as at this stage there is nothing on record to suggest that the respondent-wife is not residing at the given address at Samana as reflected in the memo of parties as well.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 14.10.2016, passed by the learned Sub Divisional Judicial Magistrate, Samana, which calls for interference by this Court in exercise of revisional jurisdiction.

There is delay of 317 days in filing of the present revision petition. As the matter has been adjudicated on merits, the application seeking condonation of delay of 317 days in filing of the present revision

petition, is rendered academic.

Accordingly, this petition is dismissed.

30.01.2018

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.