

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

CRR-2334-2018

Date of decision:-20.7.2018

Milan Babbar

...Petitioner

Versus

Ritu Parkash

...Respondent

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

Present: Mr.Rahul Bhargava, Advocate
for the petitioner.

H.S. MADAAN, J.

The revisionist Milan Babbar is feeling aggrieved by order dated 16.3.2018 passed by Judicial Magistrate Ist Class, Ambala finding his wife Ritu Parkash to be entitled to get interim maintenance @ Rs.5,000/- per month and Rs.4,000/- per month as rent from him as well as order dated 5.6.2018 passed by learned Sessions Judge, Ambala affirming that order and dismissing the appeal filed by Milan Babbar (present petitioner) against the said order.

I have gone through the impugned orders, which are based upon proper appraisal and appreciation of evidence and correct

interpretation of law. The income tax return filed by petitioner two years earlier has been taken into consideration to assess his income. Though it is stated that the revisionist is not doing any work and is idle, therefore, he is not in a position to pay interim maintenance granted by the Courts below, but then such contention cannot be believed. The petitioner is an able bodied person. He has filed income tax return for the year 2015-16, that means he has been an income tax assessee and his gross total income reflected therein was Rs.3,02,826/- per annum and his net income to be Rs.2,66,830/- per annum. The contention that the revisionist is not working any more cannot be believed. Even otherwise, the law is well settled that even a professional bagger, who is an able bodied person is liable to maintain his wife who is unable to maintain herself. Keeping in view the trend of rising prices and the fact that things of even basic needs are very costly, the interim maintenance granted and amount given for rent to Ritu Parkash estranged wife of revisionist Milan Babbar cannot be said to be on higher side.

In the present case, I do not find any such illegality or infirmity with the impugned orders much less apparent on the face of it. The orders are certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned orders.

Therefore, the revision petition is dismissed.

20.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No