

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision (F) No. 3 of 2017
Date of decision : October 25, 2018

Rajesh Verma

....Petitioner

versus

Usha Verma and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Abhimanyu Kalsi, Advocate for
Mr. Rakesh Dhiman, Advocate, for the petitioner

Mr. S.S. Mor, Advocate, for the respondents

Fateh Deep Singh, J. (Oral)

This is a criminal revision of husband petitioner Rajesh Verma against respondent no. 1 Usha Verma wife and respondent no. 2 Himanshi Verma minor daughter of the petitioner wherein the husband/father of the respondents has sought to challenge interim order of maintenance dated 17.11.2016 of the court of learned District Judge (Family Court), Gurgaon. In the said petition for maintenance under Section 125 of the Code of Criminal Procedure, an interim maintenance prayer was made and the court below vide

impugned findings holding that the annual income of the husband was to the tune of Rs 1,90,000/- has awarded to the wife interim maintenance to the tune of Rs 12,000/- per month and to the minor daughter Rs 6000/- per month, in totality Rs 18,000/- per month from the date of filing of the application for interim maintenance i.e. from 21.8.2015.

Heard counsel for the two sides and perused the records.

The inter-se relationship of the parties to this lis is not at all a question that has been put to dispute. In the light of the obligation of the able bodied husband to maintain his wife and minor children out of his wedlock commensurate with his status is the well settled preposition of law and therefore, the husband cannot hide under the guise of the interim maintenance being on the higher side. It is the claim of the wife she has placed on record family information form of the minor girl which was submitted by the husband before the school authorities and has disclosed his income to the tune of Rs one lac per month. The claim of the husband as has sought to be put forth by the counsel for the petitioner that there is no substantial evidence, has been rightly controverted by the counsel for the respondent on the grounds that this document has not been in any manner countered by the other side by leading any cogent

documentary proof. In the adjudication of interim maintenance, the prima facie contentions and discernible proof is to be taken note of. The court below has taken judicial notice of this school record of the child Annexure P/4 and on the basis of which has drawn the conclusion that the husband as per his own claim in various documents has shown his annual income to the tune of Rs 1,90,000/-. Admittedly, the husband is running a business in tyres though there is a claim and counter claim by the counsel for the two sides that it is a small time business and while the other party claims it to be a big business are matters which can only be judiciously considered at the time when the parties lead their evidence. More-so it is usually seen that at such disputes the husband tries to hide under his income low or no income with ulterior motive to escape payment of maintenance to the wife and the children. Counsel for the petitioner could not convince how there has been illegality or perversity in the findings of the court below having regard to the status of the husband. The wife needs maintenance and so the daughter to live life commensurate with that of husband and father respectively and therefore, grant of such interim maintenance totalling to Rs 18,000/- per month can by no means termed to be on the higher side for both the mother and the daughter. Having regard

to unforeseen eventualities during the course of life. There is evidently no illegality or perversity in the impugned findings. This Court certainly is not inclined to show indulgence in the exercise of its powers under Section 401 Cr.P.C. The revision petition being without merits needs and as such is dismissed.

October 25, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No