

Criminal Revision (F) No. 313 of 2017 (O&M)

Date of decision : February 15, 2018

Jagwinder Singh

.....Petitioner

Versus

Kiranjeet Kaur and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

LISA GILL, J.

The petitioner is aggrieved of order dated 07.04.2017 passed by the learned District Judge Family Court, Barnala whereby interim maintenance to the petitioner's – wife and minor child has been assessed at the rate of Rs. 3,000/- each per month on an application in the proceedings under Section 125 Cr.P.C. initiated by the respondents.

Learned counsel for the petitioner argues that the respondent – wife is not entitled to any maintenance under Section 125 Cr.P.C. as she has left the matrimonial home of her own without any reasonable cause. In fact, it is alleged that she is a lady of doubtful character, having extra marital relations with one Angrej Singh resident of village Sema. Petition for divorce at District Court, Bathinda, it is stated, has been filed by the petitioner. It is further submitted that there is nothing on record to reflect the income of the petitioner to be Rs. 15,000-20,000/- per month. Moreover, respondent No. 1 is running a beauty parlour earning sufficient amount. It is, thus, submitted that the learned District Judge, Family Court, Barnala has erred while assessing the interim maintenance vide impugned order dated 07.04.2017.

Photocopy of application under Section 125 Cr.P.C. as well as reply thereto filed in Court today is taken on record subject to just exceptions.

Heard, learned counsel for the petitioner and have gone through the file, photocopy of the petition under Section 125 Cr.P.C. as well as the reply filed thereto by the present petitioner.

Relationship of the petitioner with the respondents is not in dispute. Respondent No. 1 is his legally wedded wife and respondent No. 2 is their minor child. A perusal of the reply filed by the petitioner to the petition under Section 125 Cr.P.C. reveals that no such ground of respondent No. 1 having extra marital relations with anyone has been raised by the petitioner. There is nothing on record at this point of time to show that respondent No. 1 is running a beauty parlour earning sufficient income therefrom. Admittedly, the minor child is being looked after by respondent No. 1 being in her care and custody.

The learned trial Court at this stage has taken a prima facie view that the petitioner, a carpenter can be safely assumed to be earning ₹15,000/- to ₹20,000/- per month. In this view of the matter, interim maintenance of ₹3,000/- each to the respondents is not excessive in any manner. Moreover, the same is obviously subject to adjustment at the time of final adjudication by the learned trial Court.

Learned counsel for the petitioner is unable to point out any infirmity, illegality or perversity in the impugned order dated 07.04.2017, which calls for interference by this Court in exercise of revisional jurisdiction.

There is delay of 26 days in filing of this revision petition. The same is rendered academic, in view of the fact that the matter has been dealt with on merits.

Petition is, accordingly, dismissed.

February 15, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No