

Crl. Rev. (F) No. 515 of 2017 (O&M)

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

**Crl. Rev. (F) No. 515 of 2017 (O&M)
Date of decision : 23.08.2018**

Manish

.....Petitioner(s)

Versus

Aarti and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

None for the respondent.

ANITA CHAUDHRY, J.

This revision is directed against the order passed by the Family Court, Bhiwani who allowed the petition filed under Section 125 Cr.P.C. and awarded Rs.10,000/- per month as interim maintenance to respondent no.1-wife and Rs.5,000/- per month to respondent no.2.

Notice was given to the respondents. No-one had appeared for the respondents on the last date. No-one has appeared even today. An interim stay had been granted in January 2018. The respondents have chosen not to contest the petition.

Counsel for the petitioner contends that the petitioner was a Chowkidar and his total monthly income as per the pay slip of October 2017 was Rs.22,488/- whereas after deductions, the net amount available in hand was Rs.18,716/- per month. The counsel refers to Annexure P-1. Counsel

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further refers to the order and urges that the Family Court had noted the income as Rs.19,518/- per month but still awarded Rs.10,000/- per month to the wife and Rs.5,000/- per month to the son, leaving barely Rs.3,500/- for him. The counsel states that the child was only one year old and he is unable to pay the amount awarded by the Court below.

The case set up by the wife was that the husband was a Lab Assistant and was getting salary of Rs.40,000/- per month and also owned agricultural land from which his income was Rs.60,000/- per month. However, the wife was unable to produce any document to prove agricultural income or any other source. The Family Court noted the contents of the salary certificate according to which the gross salary for the month of February 2016 was Rs.19,518/- per month. It should have been considered that income and then should have allowed the maintenance to the wife and child. The Family Court had allowed an higher amount, therefore, the order passed by the Family Court, Bhiwani is modified. Interim maintenance of Rs.5,000/- per month is allowed to the wife and Rs.3,000/- per month for the minor child from the date of filing of the application till the final disposal of the petition on merits.

Accordingly, the petition is partly allowed.

23.08.2018

Sunil

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No