

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

CRM No.40919 of 2018 in/and
CRR No.3800 of 2018 (O&M)
Date of Decision: November 21, 2018

Sukhdev Singh

...Petitioner

Versus

Diwan Singh and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Punchhi, Advocate
for the applicant-petitioner.

JAISHREE THAKUR, J. (Oral)

CRM-40919 of 2018

1. There is delay of 28 days in filing the criminal revision.
2. For the reasons mentioned in the application, the same is allowed and delay of 28 days in filing the criminal revision is condoned.

Main case

1. This is a criminal revision that has been filed seeking to challenge the judgment dated 11.05.2018 passed by the Additional Sessions Judge, Sirsa in revision as well as judgment 04.01.2016 passed by the Addl. Chief Judicial Magistrate, Sirsa in proceedings initiated by respondent No.1-Diwan Singh under Section 125 of Code of Criminal Procedure.
2. In brief, the facts of the case are that, Diwan Singh-respondent

No.1 filed a petition against the petitioner and respondent No.2 submitting that he is senior citizen, aged about 78 years and being old and infirm, was unable to maintain himself and earn for his sustenance. Respondent No.1 on assurance that he would be maintained throughout his life by the petitioner and respondent No.2 (his sons), suffered a decree dated 25.08.2009 in their favour regarding 16 acres of land. His land was subsequently transferred to his sons, and therefore, he was entitled to be maintained by them. The Addl. Chief Judicial Magistrate, Sirsa came to the conclusion that respondent No.1 being the father, was entitled to be maintained by his sons and directed them to pay maintenance at the rate of ₹ 2000/- each per month. This judgment was challenged in revision by respondent No.1 seeking enhancement, which came to be allowed on 11.05.2018 and the amount of maintenance, as awarded by the trial court, had been increased to ₹ 5000/- each per month. Both the said verdicts are challenged in the instant criminal revision by one of the sons namely Sukhdev Singh.

3. Learned counsel appearing on behalf of the petitioner argues that respondent No.1 has a pension of ₹ 700/- per month, and therefore, any orders passed requiring the petitioner herein to pay maintenance is unjustifiable.

4. I have heard learned counsel for the petitioner and find no merit in the instant criminal revision. The relationship between the parties is not disputed nor is the age of respondent No.1, who admittedly is aged about 77 years. The pension of ₹ 700/- per month is not enough for respondent No.1 to maintain himself and to meet his day-to-day expenses in the high cost of living. It is also not in dispute that he was owner of 16

acres of land and he gave it to his sons on the basis of a collusive decree, and therefore, would certainly be entitled to maintenance from both of them. It is also interesting that it is only one son, who has come forth to challenge the maintenance that has been awarded. It is the legal as well as mortal duty of both the sons to maintain their father, who is at the fag end of his life.

5. In view of the above, the instant criminal revision is hereby dismissed, being devoid of any merits.

November 21, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No