

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

Crl. Revision (F) No. 139 of 2018 (O&M)  
Date of Decision: 23.3.2018

Kundan Lal

...Petitioner

Versus

Anita Rani

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Dinesh Nagar, Advocate  
for the petitioner.

**JAISHREE THAKUR, J. (Oral)**

Challenge in the present petition is to the order dated 23.10.2017, vide which the petition filed under Section 125 of the Code of Criminal Procedure by the respondent—wife has been allowed and the petitioner has been directed to pay maintenance to the respondent-wife to the tune of ₹2500/- per month.

In brief, the facts are that the marriage between the petitioner and the respondent was performed on 23.11.2005, according to the Hindu religious rites and ceremonies. There is no child born out of the said wedlock. It was alleged in the petition that after the marriage, the respondent was maltreated, humiliated and ultimately she was turned out of the matrimonial home. It was further submitted that the petitioner has sufficient source of income. The petitioner being husband of the respondent is legally bound to maintain her but he has refused to do so, which compelled her to file the petition for grant of maintenance. The respondent had herself

examined as PW1 and her sister Sunil Lata as PW2 and tendered Jamabandi for the year 2008-2009 as Ex P.1 and valuation of property as Ex. P2 in support of her contention that the petitioner-husband owns agriculture land.

The petitioner while filing the reply denied all the allegations made in the petition for grant of maintenance. Rather, he alleged that the respondent-wife herself has neglected and deserted the petitioner.

I have heard learned counsel for the petitioner and perused the record.

From the record, it appears that during the course of evidence, the petitioner was directed to make entire payment of arrears of interim maintenance payable to the respondent, but the petitioner failed to make the said payment, despite repeated orders passed by the court below. Therefore, keeping in view the conduct of the petitioner and non-payment of arrears of maintenance, the defence of the petitioner was struck off, vide order dated 17.10.2017, leading to passing of the impugned order. It is settled position of law that the petitioner being husband is legally bound to maintain his wife. The petitioner has not been able to rebut the evidence produced by the respondent—wife that the petitioner has sufficient source of income to pay maintenance. The trial court, while passing the impugned order, observed as under:-

“...Respondent has not been able to bring on record any evidence to rebut the evidence of petitioner that she has been deserted and refused to be maintained by the respondent without any sufficient cause or reason. There is no evidence on the part of respondent to establish his contention that petitioner

left the matrimonial home at her own. Due to non-payment of arrears of maintenance, defence of respondent was struck off. The evidence brought on record by the petitioner convincingly proves her case that respondent has deserved and neglected her without any reasonable cause and petitioner is unable to maintain herself. This evidence itself entitles the petitioner to claim maintenance from respondent. Provisions of Section 125 Cr.P.C. have been enshrined in the Code with a sole motive to protect vagrancy among destitute wives and children. Evidence brought on record is sufficient to establish the right to claim maintenance by petitioner against respondent.”

Thus, the findings recorded by the trial court cannot be held to be perverse or against law. Nothing has been pointed out as to which material evidence has been misread or as to which material evidence has not been considered by the trial court. Even otherwise a petty sum of ₹2500/- has been awarded. Without any evidence, it can be presumed that the petitioner is capable of earning ₹12000/- per month as a daily wager. Therefore, the sum awarded is not excessive.

For the reasons stated above, I do not find any ground to interfere with the impugned order. Dismissed.

(JAISHREE THAKUR)  
JUDGE

23.3.2018  
*prem*

Whether speaking/reasoned  
Whether reportable

Yes  
No