

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR (F) No.190 of 2018
Date of decision: 23.04.2018

Surender Kumar Sardana

.... Petitioner

Versus

Himank

..... Respondent

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Challenge is to judgment dated 26.03.2018 passed by the learned District Judge, Additional Family Court, Hisar whereby the petitioner and his wife namely Savita have been directed to bear maintenance of the respondent (i.e. minor son of the petitioner and Savita, aged about 12 years) who is studying in OP Jindal Modern School, Hisar.

[2] Heard learned counsel for the petitioner.

[3] For the reasons as recorded hereunder, the revision petition is without merit and is, therefore, liable to be dismissed.

[4] Brief facts of the case are that marriage of the petitioner and mother of the respondent i.e. Savita was solemnized on 02.07.1994 at Hisar. Out of the wedlock, two children (i.e. sons) namely Jiten and

Himank were born. Petitioner is alleged to be having an extra marital affair as a result of which he and the lady are stated to have given a thrashing to the petitioners wife besides the petitioner is alleged to have given merciless beating to his elder son on 12.11.2011 while the latter was lying on the X Ray table awaiting treatment pursuant to injuries sustained in an accident. On 22.11.2011, the petitioner is alleged to have taken away valuable documents, gold ornaments and left the family home by openly declaring that he would live with the lady he was having extra marital affair with and that he would never visit his family.

[5] Respondent's elder brother i.e. Jiten is stated to be doing B.Tech from Delhi Technological University, Main Bawana Road, Delhi for which yearly tuition fee is ₹ 1.00 lac, besides, expenses of ₹ 25,000/-. Respondent on the other hand is stated to be studying in O.P. Jindal Modern School, Hisar against monthly expenses of about ₹ 15,000/-.

Petitioner who is employed as J.E. (Civil) in PWD B&R Department is getting monthly salary of approximately ₹ 50,000/-, besides, is stated to be having sufficient moveable and immoveable properties. Income of the petitioner from all sources was stated to be around ₹1.00 lac per month. In the aforementioned background, prayer was made by the respondent and his elder brother for award of ₹ 40,000/- per month as maintenance, besides, ₹ 22,000/- as litigation expenses.

[6] The learned District Judge, Family Court, Hisar rejected the prayer for grant of maintenance to Jiten on the ground that he was major. However, by taking into account that admittedly both the petitioner as well as his wife were earning approximately ₹ 50,000/- each per month, respondent was a minor and studying in a prestigious school, petitioner's

wife was spending a substantial amount on the education of her elder son, the petitioner had no other liability, prices of everything were soaring, by keeping in view the status of the parties as also other aspects referred to above, awarded monthly maintenance of ₹ 20,000/- to the respondent to be shared by the petitioner as well as his wife equally i.e. ₹ 10,000/- each besides a sum of ₹ 5500/- as litigation expenses.

[7] I have considered the submissions of learned counsel for the petitioner. The impugned order has taken not only the income of the petitioner but also his wife as also the expenses being incurred by the wife on education of their elder son who has been denied maintenance as he is major. In the light of the position noted in the preceding paragraphs of this order, I am of the view that the impugned order does not warrant any interference.

[8] Accordingly, the petition being devoid of merit is dismissed.

(B.S. Walia)
Judge

23.04.2018
amit

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