

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

**CRR(F)-224-2018
Date of decision: 03.05.2018**

Sumer Chand

...Petitioner

Versus

Asha Devi

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Chhina, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking to challenge the order dated 06.02.2018, passed by learned District Judge (Addl. Family Court), Karnal and subsequent proceedings thereunder in an application filed under Section 125 Cr.P.C.

In brief, the facts are that respondent-complainant Asha Devi filed a petition seeking maintenance from the petitioner herein along with an application for interim maintenance. The complainant averred in the application that she had been ousted from her matrimonial home on 02.05.2016 after being subjected to severe beatings and since then she was living in her parental home. Having no source of income, she claimed maintenance from the petitioner herein, who is her husband. It was claimed that husband-respondent is running a shop of readymade garments and is earning approximately ₹30,000/- per month apart from that he is working as an Accountant in different firms and earning ₹20,000/- per month

therefrom. The matter was argued and learned District Judge treated the petitioner herein to be earning at par with a daily wage worker and earning approximately ₹10,000/- per month. This amount was assessed in view of the fact that the complainant did not bring on record any evidence to substantiate her claim that respondent-husband was earning ₹50,000/- per month. While allowing the said application for interim maintenance, learned District Judge, Karnal, by order dated 06.02.2018 directed that interim maintenance to the tune of ₹3,000/- per month be paid to the complainant from the date of filing of the petition. Aggrieved, the instant petition has been filed.

I have heard learned counsel for the petitioner and have also perused the pleadings of the case.

No doubt, the factum of marriage has been admitted by the parties and the same is not under challenge in this petition. The only contention raised herein is that the petitioner is not earning a sufficient amount to pay interim maintenance @ ₹3,000/- per month and, therefore, the same is highly excessive, while also submitting that the interim maintenance could not have been awarded from the date of petition and the same should be made payable from the date of the order.

After hearing learned counsel for the petitioner, this Courts finds no merit in the arguments so advanced. Learned District Judge has only assessed interim maintenance by taking into account that there is no evidence available, at the present moment, regarding the earnings of the petitioner-husband. However, he has held that the earnings of the petitioner can be treated at par to that of a daily wage worker as per Collector rates i.e.

approximately ₹10,000/- per month and it is on this basis that a sum of ₹3,000/- per month has been made payable to the complainant.

Therefore, this Court finds no infirmity in the order so passed.

At this stage, counsel for the petitioner submits that the petitioner may be given an opportunity to pay the arrears of the interim maintenance in installments.

The request made seems to be reasonable and is accepted. The arrears of interim maintenance that has been made payable from the date of petition be calculated and the said amount be paid to the complainant in three equal installments positively within a period of six month from the date of passing of this order.

The petition stands disposed of, accordingly.

However, the trial Court will not be influenced by any observation made herein while deciding the main case.

03.05.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No