

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

Crl. Misc. 23599 of 2018 in/and
CRR (F) No. 341 of 2018 (O&M)
Date of Decision: 16.7.2018

Manjit

...Petitioner

Versus

Balraj

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.K. Malhotra, Advocate
for the petitioner.

JAISHREE THAKUR, J.

Crl. Misc. 23599 of 2018

1. For the reasons stated in the application, which is supported by an affidavit, the delay in filing the revision is condoned.

Main case

2. This is the revision that has been filed seeking to challenge the order dated 9.1.2018 passed by the Additional Principal Judge, Family Court, Rohtak, by which the respondent herein has been directed to pay a sum of ₹5,000/- per month to the petitioner as interim maintenance.

3. Admittedly, a marriage took place between the petitioner and the respondent. However, a matrimonial dispute arose between the parties and the petitioner herein filed a petition dated 15.12.2016 under Section 125 of the Code of Criminal Procedure along with an application for granting

interim maintenance. The Family Court, while deciding the interim maintenance directed the respondent herein to pay a sum of ₹5,000/- per month as interim maintenance from the date of filing of the application. Aggrieved against the said order, the instant revision has been filed.

4. I have heard learned counsel for the petitioner, who has submitted that the respondent herein is a man of sufficient means and the amount, as assessed, is wholly inadequate. It is argued that the respondent is an agriculturist and has about 4 acres of land, apart from the fact that he is has buffaloes and sells milk. It is argued that the respondent herein is earning more than ₹70,000/- per month.

5. The learned Additional Principal Judge, Family Court, Rohtak, while taking note of the fact that there was nothing on the record to substantiate the claim of the petitioner that the respondent was earning ₹70,000/- per month, awarded a sum ₹5,000/- per month while considering the fact that the respondent was maintaining two minor children.

6. No doubt, a wife is entitled to maintenance under Section 125 of the Code of Criminal Procedure taking into account the totality of earning of the husband, but undisputedly in the present case at the time of deciding the interim application, there was nothing on record to substantiate the claim that the respondent herein was earning ₹70,000/- per month. A perusal of the Annexure P/3, which is a copy of the jamabandi, would reflect that respondent has 4 acres of agricultural land, which would yield income of approximately 2 lacs per year, and the monthly incomes comes out to be about ₹16,000/- per month. Therefore, in view of the fact that the petitioner herein has been awarded ₹5,000/- per month and the respondent is

maintaining two minor children, there is no infirmity in the impugned order so passed.

7. For the reasons aforestated, the revision petition is dismissed being bereft merit.

16.7.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No