

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

Crl. Revision (F) 362 of 2018 (O&M)
Date of decision: 3.8.2018

Satish Kumar

...Petitioner

Versus

Mukesh Kumari and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manoj Chahal, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

This is a revision that has been filed seeking to challenge the order dated 16.5.2018 whereby the Principal District Judge, Family Court, Hisar, has allowed maintenance to the respondents herein.

In brief, the facts are that the marriage between the petitioner herein and respondent No.1 was solemnized on 23.11.2005, as per Hindu rites and ceremonies, out of which wedlock two children, namely respondents No. 2 and 3 were born. It was alleged that soon after the marriage, the petitioner and his family members mal-treated respondent No.1 for not bringing adequate dowry. She was given merciless beatings on several occasions by the petitioner and his family members for demand of a motorcycle. Ultimately, in April, 2012, respondent No.1, along with her children, was thrown out of her matrimonial home. At present, she is residing in her sister's house and her children are living at her parental

home. With this background, a petition under Section 125 of the Code of Criminal Procedure was filed for grant of maintenance. It was stated that respondent No.1 does not have sufficient resource to maintain herself and her two children. On the other hand, the petitioner-husband is serving as Hindi teacher in a school at Mirchpu and is earning ₹18,000/- per month, apart from that he is earning ₹5,000/- from his agricultural land.

The Principal District Judge, Family Court, Hisar, after appreciating the evidence brought on record, directed the petitioner to pay maintenance of ₹6,000/- per month to the respondents (i.e. ₹3000/- per month to respondent No.1 and ₹1500/- per month to each respondents No. 2 and 3). Aggrieved against which, the instant revision has been filed.

Learned counsel for the petitioner submits that the amount of maintenance awarded by the Principal District Judge, Family Court is excessive, as the petitioner is working in Vidhya Bharti Day Boarding Public School, Kheri Lochab and is earning a paltry sum of ₹6500/- per month. Rather, respondent No.1 is a graduate and is doing tuition work and is capable of sustaining herself.

I have heard learned counsel for the petitioner and perused the impugned order under challenge and find no ground to interfere with the same. It is observed in the impugned order that the petitioner was given opportunity to produce evidence in support of his contentions but despite availing sufficient opportunities he failed to bring any evidence. It is a matter of common knowledge that even a labourer is earning anything between ₹9000 to 14000/-. Thus, the amount of maintenance awarded by the lower court is not excessive.

Finding no reasons to interfere, the instant revision is dismissed.

3.8.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No