

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No.(F)-428 of 2018 (O&M)
Date of decision : 27.08.2018

Jeet Ram alias Jeet Singh

... Petitioner

Versus

Padam Singh alias Parveen Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

Criminal Misc.No.29711 of 2018

Application is allowed subject to all just exceptions.

Criminal Revision No.(F)-428 of 2018

Respondent No.1 Padam Singh alias Parveen Kumar is a special child having 60% disability as per disability certificate (Annexure P-3). The petitioner is his father.

Respondent No.1 filed a petition under Section 125 Cr.P.C. through his maternal uncle Lekhi Ram. In pursuance thereof, learned Addl. Principal Judge, Family Court, Faridabad, vide impugned order dated 11.07.2018, awarded an amount of Rs.5,000/- per month as interim maintenance to respondent No.1 from the date of filing of the said petition.

Instead of depositing that amount, instant petition has been filed for quashing of the said order dated 11.07.2018.

Heard. Respondent Padam Singh alias Parveen Kumar is unable to maintain himself being a special child and, therefore, he requires

maintenance. A bare perusal of the impugned order transpires that petitioners are having about 5 acres of land in Village Jajru, Tehsil Ballabgarh, District Faridabad. The amount of interim maintenance cannot be taken on the excessive side.

Prima facie, it is made out that petitioners have the capacity to pay maintenance.

Apart from it, this is a paramount duty of the petitioners to make the payment of the interim maintenance as awarded by the learned Addl. Principal Judge, Family Court, Faridabad.

This court is of the view that the petitioners are avoiding to pay the said interim maintenance, as such no ground to quash the impugned order dated 11.07.2018 is made out.

Accordingly, the instant petition stands dismissed with a costs of Rs.5,000/- which shall be paid to respondent No.1 Padam Singh alias Parveen Kumar. However, Addl. Principal Judge, Family Court, Faridabad, is directed to take appropriate steps for effecting recovery of arrears of maintenance.

27.08.2018

mamta

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No