

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

Criminal Revision(F) No.48 of 2018(O&M)

Date of Decision: February 23 , 2018.

Mukesh Dua

..... PETITIONER (s)

Versus

Smt. Mamta Dua and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

LISA GILL, J.

The petitioner is aggrieved of order dated 13.10.2017 passed by the learned Additional Principal Judge, Family Court, Faridabad whereby a sum of ₹10,000/- has been assessed as interim maintenance to be paid to the minor child only.

Brief facts necessary for adjudication of the case are that, a petition under Section 125 Cr.P.C. was filed by the respondent-wife and the minor daughter contending that marriage between the petitioner and respondent No.1 was solemnized on 20.06.2011. A daughter was born out of the wedlock on 17.10.2012. It is averred that respondent No.1 was subjected to ill-treatment and harassment at the hands of her husband and was ultimately driven out of the matrimonial home on 27.03.2013. It is further pleaded that the respondent-wife

has no source of income, the minor daughter was studying in Kindergarten at a play school in Faridabad. While giving details of income of the petitioner, it is averred that he is earning at least a sum of ₹1,00,000/- per month. Maintenance to the tune of ₹35,000/- was claimed.

The learned trial court on considering the facts and circumstances of the case, declined to award any interim maintenance towards respondent-wife on the ground that she did not disclose that she too was earning. However, a sum of ₹10,000/- was assessed as interim maintenance towards the minor daughter. Aggrieved therefrom, the present revision petition has been filed.

Learned counsel for the petitioner vehemently argues that the learned trial court has proceeded on the basis of presumptions and has not taken into account the documents on record. The petitioner in his affidavit specifically mentioned that he is earning ₹14,000/- per month. Moreover, he has dependant parents. It is submitted that the petitioner, who was earlier in service, now has no source of income. It is thus prayed that this petition be allowed.

I have heard learned counsel for the petitioner and have gone through the file.

It is noticed that the learned trial court while assessing the interim maintenance to the minor daughter of the parties has taken note of the Income Tax Return of the petitioner for the year 2017-2018. The petitioner admittedly has a proprietorship firm in the name and style of M/s Mangalam Traders at Paharganj, New Delhi. There is nothing on record at this stage to show that the petitioner's father, who was earlier admittedly in service, is not receiving any money, pension etc. or that he is dependant upon the petitioner. The learned trial

court has not awarded any maintenance to the respondent-wife. Similarly, there is nothing on record, at this stage, to suggest that the interim maintenance assessed in favour of the minor child is excessive. Needless to say, the amount awarded shall be subject to the final adjudication of the matter by the learned trial court after taking into account the evidence led by both the parties.

Keeping in view the facts and circumstances of the case, at this stage I do not find any illegality or infirmity in the impugned order dated 13.10.2017 passed by the learned Additional Principal Judge, Family Court, Faridabad, which calls for interference by this Court in revisional jurisdiction.

There is a delay of 12 days in filing of this petition. Keeping in view the fact that the matter has been dealt with on merits, the question of delay is rendered academic. CRM No.3131 of 2018 is accordingly disposed of.

Petition is dismissed.

February 23 , 2018.
'om'

**(LISA GILL)
JUDGE**

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