

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

Crl. Revision (F) No. 493 of 2018 (O&M)
Date of decision: 27.9.2018

Ashish Sharma

...Petitioner

Versus

Soniya Yadav and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sanjeev Kadian, Advocate,
the petitioner.

JAISHREE THAKUR, J.

Challenge in the instant revision is to the order dated 10.7.2018 passed by the Additional Principal Judge, Family Court, Gurugram, vide which the the order passed by the Judicial Magistrate 1st Class, Gurugram, awarding maintenance of ₹15,000/- per month to respondent No.1 and ₹3,000/- to respondent No.2, was upheld.

The facts in brief are that the marriage between the petitioner and respondent No.1 was solemnized on 26.9.2014. Out of this wedlock respondent No.2 was born on 14.4.2016. It was alleged by the respondent-wife that the petitioner—husband mentally and physically harassed her and left her and minor son to fend for themselves. In this back ground, respondent No.1 filed an application under Section 125 of the Code of Criminal Procedure for grant of maintenance stating that the petitioner is owner in possession of agricultural land measuring 11 acres situated in

Tehsil Dharuhera, District Rewari, from where he is deriving annual income of not less than ₹10,00,000/-. It was further averred that the petitioner owns one house at Sohana, one flat and one house, comprising 20 rooms, and is getting monthly income of ₹60,000/-, 1,50,000/- and 2,00,000/- respectively from these properties in form of rent. It was further alleged that apart from the above income, the petitioner's have other source of income as well. Therefore, respondent No.1 prayed for monthly maintenance to the tune of ₹50,000/-.

The petitioner admitted the factum of the marriage as well as birth of the minor son. However, denied the allegations of mental or physical torture meted out to respondent No.1. Ownership of the land, house or flat was also denied. Rather, it was stated that the petitioner is not owner of a single inch of land or property and he has been disowned by his family.

The Judicial Magistrate 1st Class, Gurugram, after taking into account all the relevant factors, as already noticed, allowed interim maintenance ₹15,000/- per month to respondent No.1 and ₹3,000/- to respondent No.2, which is under challenge in the present revision.

I have heard learned counsel for the petitioner and have also perused the impugned orders.

Relationship between the parties is admitted. The petitioner being the husband is duty bound to maintain his wife and the minor child. The averments with regard to the different source of income is not required to be gone into at this stage, particularly when the parties are yet to lead evidence. The courts below have awarded interim maintenance on the

ground that the petitioner is an able bodied person and has the capability to earn. The interim maintenance awarded is not on the higher side. There is no perversity or irregularity in the impugned orders so passed.

Consequently, the revision petition is dismissed.

27.9.2018

prem

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes

No