

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision (F) No. 601 of 2018 (O&M)
Date of decision : November 29, 2018

Mukesh Kumar

....Petitioner

versus

Nisha and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Dilpreet Singh Gandhi, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

This criminal revision by the aid of Section 401 of the Code of Criminal Procedure (in short, Cr.P.C.) is by the petitioner-husband Mukesh Kumar who was then respondent in petition under Section 125 Cr.P.C. preferred by petitioner wife Nisha and two minor sons Bhavya Gupta and Ansh Kumar seeking maintenance from the husband and father respectively by them. The court of learned Principal Judge (Family Court), Ambala through impugned findings dated 5.10.2018 granted maintenance at the rate of Rs 5000/- per month to the wife and at the rate of Rs 2500/- per month to each of the two sons (totalling Rs 5000/-) and besides this awarded a sum of Rs 10,000/- as litigation expenses.

Upon hearing Mr. Dilpreet Singh Gandhi, counsel for the petitioner and on perusal of the records. It is the case of the petitioner wife that she was turned out of her matrimonial home along with the children by the respondent-husband and that she does not own any immoveable and moveable property nor has sufficient income to maintain herself and her minor children. The husband is working at Air Force Station earning Rs 35,000/- per month.

The stand of the husband present petition before the court below accepts the inter-se relationship between the parties and as has been brought on the record that the present petitioner husband is drawing gross salary of Rs 58,370/- per month in December, 2017 and his basic pay is Rs 39,200/- besides other allowances. The claim of the petitioner's counsel that the petitioner has taken loan and is to pay installment out of his salary which are monetary deductions does not cuts much ice. It is the total earnings of the husband which are to be gone into. The wife needs money for her upkeep and day to day requirements besides a roof on her head. She has also to look after her two minor sons and these unfortunate children are school going. Having regard to the every day increasing trend of essential commodities the fact that modern living has become an expensive proposition, to the mind of this Court as has been adduced by the court below in the impugned findings award of Rs 5000/- per month to the wife and Rs 2500/- to each of the minor children is not on the higher side and rather is just and fair maintenance necessary for the upkeep and

maintenance of the dependents. The counsel could not convince this Court of any illegality or perversity in the findings of the courts below necessitating intervention by this Court, since revisional powers are of limited jurisdiction. The revision petition being without merit stands dismissed.

November 29, 2018

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No