

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

**CRR(F)-82-2018 (O&M)
Date of Decision: 02.08.2018**

Sadhu Ram

....Petitioner

Versus

Neelam and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Balraj Gujjar, Advocate
for the petitioner(s).

Mr. V.P. Sangwan, Advocate
for the respondents.

ANITA CHAUDHRY, J

This revision is directed against the order passed by the Family Court, Bhiwani who awarded Rs.3,000/- as maintenance to the wife and Rs.1,000/- each to two children.

Notice of motion was issued. The respondents had appeared. I have heard both the sides.

Learned counsel for the petitioner submits that the trial Court had allowed maintenance without taking into consideration the facts that the petitioner had sold his entire land on the asking of his wife and he purchased a plot in her name the same year and the wife had sold the plots by different sale deeds and had received a sum of Rs.12 lakhs and he has been thrown out from his own house and these facts should have been taken

into account. It was urged that the petitioner has no source of income and the wife was clever and had threatened to get him implicated in different cases. He does not dispute that the parties were married and two children were born out of this wedlock.

Learned counsel appearing for the respondents urges that the petitioner is very clever and his wife is illiterate and innocent and a fraud has been played upon her and these facts were mentioned in the petition filed by them and the time of the sale deeds would show that there is a gap of only two minutes in two sale deeds effected on 18.03.2015 and it would be a matter of trial whether she had received the amount. It was urged that it was the husband who got executed two sale deeds instead of one and the entire money is with him.

I have considered the submission of both the sides.

The issue at this stage only is whether the wife and the two children were entitled to any maintenance. The wife is illiterate and does not work. The petitioner is able bodied and is bound to maintain his wife and children. The amount allowed by the Court below cannot be said to be on the higher side. It would be matter of trial whether the sale consideration was retained by the wife, in case he is able to prove that he can always seek adjustment.

No case for interference is made out.

Petition is dismissed.

August 02, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No