

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

Crl. Revision (F) No.82 of 2017 (O&M)
Date of Decision: February 07, 2018

Nitin Sharma

...Petitioner

Versus

Aarti

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant criminal revision has been filed seeking to challenge the impugned order dated 19.01.2017 whereby, interim maintenance @ Rs.4000/- per month has been awarded in favour of the respondent-wife in proceedings under Section 125 Code of Criminal Procedure (for short 'Cr.P.C.')

The respondent herein had filed a petition under Section 125 Cr.P.C. seeking maintenance along with an application for interim maintenance. The District Judge, Family Court, Karnal, awarded a sum of Rs.4000/- per month as interim maintenance to be paid to the respondent-wife along with litigation expenses. Aggrieved against the said order, the instant criminal revision has been filed.

The instant criminal revision was taken up for hearing on 30th March, 2017 and adjourned to 02.05.2017 to enable the learned counsel for

the petitioner to get instructions from the petitioner whether, he would pay Rs.10,000/- as litigation expenses to the respondent-wife. On 02.05.2017, learned counsel appearing on behalf of the petitioner submitted that the matter should be referred to the Mediation and Conciliation Centre of this court, which prayer was allowed, subject to deposit of Rs.10,000/- with the Registry towards litigation expenses and notice of motion was to be issued for 22.08.2017.

As per the office report, no deposit receipt has been filed in compliance of order dated 02.05.2017. Even today, the matter is called and there is no representation on behalf of the petitioner.

The District Judge, Family Court, has only awarded a sum of Rs.4000/- per month as interim maintenance, which cannot be said to be excessive, even if there is no proof of earning of the petitioner. Being an able bodied man, the petitioner herein is capable of earning Rs.12,000/- per month, as a daily wager. Hence, the amount of Rs.4000/- per month, awarded as interim maintenance, is not excessive.

In view of the foregoing discussion, the instant criminal revision is hereby dismissed.

February 07, 2018

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No