

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

**CRR (F)-16-2019 (O&M)
Date of Decision : 21.01.2019**

Krishan

..... Petitioner

Versus

Kamlesh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Naveen Singh Panwar, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)
CRM-1292-2019

The instant application is for condonation of delay of 27 days in filing the revision petition.

Heard. Keeping in view the peculiar circumstances of the case, this court is of the view that delay has been explained. Thus, the application stands allowed. Delay of 27 days in filing the revision petition is condoned.

CRR (F)-2019

The petitioner has preferred the instant revision petition under Section 407 Cr.P.C., challenging the order dated 15.09.2018, passed by the Principal Judge, Family Court, Rohtak, vide which an amount of Rs.6,000/- to respondent No.1-wife and also similar amount to respondent No.2-minor daughter, as interim maintenance, have been granted under Section 125 Cr.P.C.

Undisputedly, the petitioner was married with respondent No.1 Smt. Kamlesh. From this wedlock, one daughter was born who is impleaded as respondent No.2.

It has been submitted in the petition under Section 125 Cr.P.C. that respondent No.1-wife has no earning capacity. It is also asserted in that petition that she does not maintain herself as well as her daughter whereas the petitioner is earning Rs.65,000/- per month as he is working as an accountant in Indian Overseas Bank.

After hearing the learned counsel for the parties, the Family Court allowed the application, as stated above.

I have heard learned counsel for the parties and have gone through the record.

Firstly, it has been argued that the Family court at Rohtak has no jurisdiction. I am not convinced by this argument. The marriage was solemnized at Village Jindran, District Rohtak. At the time of filing petition, both the respondents were residing at that place. However, reliance has been placed upon the writing (Annexure P-5) issued by Sarpanch, Gram Panchayat, Khandrai, Block Mundlana, District Sonapat wherein it has been stated that Smt. Kamlesh-respondent No.1 is permanent resident of Village Khandrai, District Sonapat. This certificate was issued on 08.12.2018 whereas application for grant of interim maintenance is pending since January, 2018. The evidential value of the said document will be seen by the court below at the time of adducing evidence.

Now coming to the point with regard to quantum of maintenance. The petitioner is earning Rs.65,000/- per month. He has been ordered to pay Rs.6,000/- per month to respondent No.1-wife and the equal amount to daughter-respondent No.2.

Keeping in view the facts and circumstances of the case, this court is of the view that the said amount is not exorbitant rather it is more

appropriate. The daughter is more than 14 years of age. She has been studying and she requires minimum Rs.6,000/-. Apart from it, the amount awarded by the Family Court has been granted as interim maintenance and after adducing of the evidence, the learned trial court will take independent decision with regard to final quantum of maintenance. It may increase or decrease the amount of maintenance as per the evidence.

In view of aforesaid, this court is of the opinion that the impugned order passed by the court below does not suffer from any illegality, infirmity or irregularity and the same does not call for any interference and is hereby affirmed.

Therefore, the instant revision petition being devoid of any merit is hereby dismissed.

21.01.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No