

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

CRR (F) No.43 of 2019 (O&M)
Decided on:- September 16, 2019.

Jasbir.

.....Petitioner.

Versus

Preeti.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Manish Soni, Advocate
for the petitioner.

Mr. Nishant Arya, Advocate
for the respondent.

HARI PAL VERMA, J. (Oral)

The petitioner-husband has filed present criminal revision against the order dated 22.11.2018 passed by learned District Judge (Family Court), Bhiwani, whereby on an application filed by the respondent-wife seeking interim maintenance in the petition under Section 125 Cr.P.C., the family Court has awarded interim maintenance @ Rs.8,000/- per month with effect from the date of filing of the application till final disposal of the main petition under Section 125 Cr.P.C. for grant of maintenance allowance.

Learned counsel for the petitioner-husband has argued that the total land holdings in the name of the petitioner comes to 4 Kanal 15 Marlas, whereas the respondent-wife is working as a Draftsman and being a semi-skilled labourer, is getting Rs.7,824/- per month as salary. Therefore, the

interim maintenance @ Rs.8,000/- per month awarded by the family Court is on higher side. Moreover, the respondent-wife is maintaining illicit relations with Jatin son of Attar Singh, who is cousin of the petitioner and, therefore, in view of Section 125(4) Cr.P.C., she is not entitled to any maintenance.

On the other hand, learned counsel for the respondent-wife has argued that the petitioner is a well placed person and is working as Home Guard in Bhiwani.

I have heard learned counsel for the parties.

So far as the argument of learned counsel for the respondent-wife that the petitioner-husband is working as Home Guard in Bhiwani is concerned, the petitioner has specifically pleaded in the grounds of revision that though he was working as Home Guard at Hansi Gate, Bhiwani, but the respondent-wife started coming there every day and used to hurl filthy abuses in order to humiliate and undermine the petitioner due to which the petitioner has to leave the job and is presently does not have any source of income. Therefore, this Court finds that no such conclusion has come on record to establish the salary of the petitioner-husband.

However, considering the fact that the petitioner is owner of land measuring 4 Kanal 15 Marlas, this Court finds that he has physical capacity to earn at least the minimum wages as prescribed by the government. Therefore, this Court finds that the interim maintenance @ Rs.8,000/- per month granted by the family Court is on higher side and the same deserves to be reduced @ Rs.6,000/- per month.

As regard the allegation of the petitioner-husband that the respondent-wife is maintaining illicit relations with his cousin Jatin, it is a matter to be adjudicated during the main petition under Section 125 Cr.P.C.

Accordingly, the present petition is disposed of with modification in the impugned order dated 22.11.2018 passed by the family Court to the effect that instead of Rs.8,000/- per month, the petitioner-husband shall pay a sum of Rs.6,000/- per month as interim maintenance to the respondent-wife from the date of the application till final disposal of the main petition under Section 125 Cr.P.C.

Since the present petition is based on interim maintenance, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the main petition under Section 125 Cr.P.C. and the family Court shall decide the same without being influenced with these observations in any manner.

September 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No