

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

CRR(F)-80-2019 (O&M)

Date of decision: March 12, 2019

Mukesh

....Petitioner

Versus

Anju and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Anita Kaur, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(ORAL)

CRM-5107-2019

This is an application for condonation of delay of 160 days in filing the revision petition.

Heard. For the reasons, mentioned in the application, the same is allowed. Delay of 160 days in filing the revision petition is condoned.

CRR(F)-80-2019

Through this petition, petitioner is seeking setting aside the impugned order dated 22.05.2018 passed by the Principal District Judge, Family Court, Gurugram, Haryana under Section 125 of Cr.P.C. whereby petitioner-husband was directed to pay maintenance to the respondents-wife and daughter in the sum of Rs.2,500/- and Rs.2,000/- per month respectively.

The wife of the petitioner as well as minor daughter had filed an application for grant of maintenance under the provisions of Section 125 Cr.P.C. alleging that petitioner has neglected and refused to maintain them. After appreciating the evidence available on record, learned magistrate has granted maintenance as aforesaid.

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

Learned counsel for the petitioner has submitted that now petitioner is unable to pay the maintenance. On the other hand, learned counsel for the respondents has submitted that petitioner is still working and he can pay the amount.

I have gone through the rival contentions made by learned counsel for the parties.

Petitioner himself produced Ex.R-2 showing his salary as Rs.8,507/- per month. However, in his reply, he has stated that he is working with Kavach Security Services Private Limited on monthly salary of Rs.9,340/- in hand. Apart from it, he is an able-bodied person. He can easily pay the amount of maintenance as awarded by the court below.

Keeping in view the circumstances of the case, this court is of the view that quantum of maintenance is not exorbitant rather, it is appropriate to the circumstances of the case.

No case is made out to intervene.

Petition is dismissed accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

March 12, 2019
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No