

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

CRM-M No.14458 of 2016

Date of decision: 27th February, 2019

Sanjeev Vohra & another

... Petitioners

Versus

Ritu Vohra

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.S. Dadwal, Advocate for the petitioners.

Mr. B.D. Sharma, Advocate for the respondent.

FATEH DEEP SINGH, J.

This is a petition under Section 482 Cr.P.C. by the petitioners husband and father-in-law whereby they have challenged the initial order dated 02.07.2014 passed by the Court of learned Judicial Magistrate 1st Class, Jalandhar (Annexure P5) which has merged into order dated 31.03.2015 of learned Additional Sessions Judge, Jalandhar (Annexure P6) allowing complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'the Act') and granting to the wife reliefs detailed therein.

Heard Mr. K.S. Dadwal, Advocate for the petitioners; Mr.B.D. Sharma, Advocate for the respondent/wife and perused the records of the case.

As is there and is even otherwise not displaced, marriage between Ritu Vohra and petitioner No.1 Sanjeev Vohra was solemnized

on 02.12.2005 and the couple gave birth to a male child on 27.11.2006. It was on account of matrimonial disaccord, the wife filed a complaint under Section 12 of the Act. It has been sought to be pleaded and alleged by the wife that sufficient dowry articles including gold, silver and costly items were given at the marriage but the husband and his family were not happy over the same and on account of which she was often tortured, physically as well as mentally, and in spite of the repeated intervention by the panchayat and respectables they did not put an end to her ill-treatment and thus, compelling her to file the complaint.

The Court of learned Judicial Magistrate 1st Class, Hoshiarpur vide orders dated 31.03.2008, passed the following directions:-

“6. So, it is a fit case where the monetary interim relief can be granted to the petitioner. So, as per the circumstances and social status of the petitioner, respondent No.1 directed to give Rs.5,000/- P.M. for the maintenance of the petitioner and he is also directed to make arrangement for the accommodation of the petitioner. If he is unable to make alternative arrangement of accommodation for the petitioner, he is directed to pay Rs.2,000/- P.M. in addition to Rs.5,000/- to the petitioner.”

It is thereafter, the wife challenged the order through appeal and so the husband in another appeal. The Court of learned Additional

Sessions Judge, Jalandhar vide impugned findings dated 31.03.2015 while disposing off jointly both these appeals of the husband and the wife, upheld the findings of the learned Magistrate and thereby dismissed both the appeals. It is against these very findings, the husband and his father aggrieved over the same, have come up in this petition.

It is there abundantly reflected from the records that the lone male child born out of this wedlock between the couple is presently being looked after and maintained by the husband Sanjeev Vohra. On the other hand, the wife is suffering from breast cancer and is undergoing medical treatment on that score. The husband admits in his cross-examination as DW1 that his father owns a chemist shop where he is working though he claims that he has been engaged on paid salary but normally as has been seen, to forego their obligation towards the wife, males certainly do come up with such façade. The courts below have also considered the fact that the husband had filed a divorce petition against the wife and the fact that she has already spent Rs.2.00 lacs on her medical treatment and the wife after being thrown out of her matrimonial home was forced to take refuge with her parents. Thus, in such a situation and which could not be otherwise in the stand of the husband brought about or stand of the wife rebutted by the husband. In the totality of such circumstances, where the wife is suffering from life-threatening disease, has no source of income, no roof over her head, certainly needs to be looked after by the husband as a mark of love and social obligation towards the wife. The family is

owning chemist shop and though not much has come about as to the monthly earnings of the husband from this avocation but the Court below, by considering all these facts and the evidence, has drawn a conclusion and has rightly awarded Rs.5,000/- per month as maintenance for wife by the husband besides payment of Rs.2,000/- on account of medical expenses because of her disease and besides making arrangements for her accommodation. And therefore, learned counsel for the petitioners could not convince this Court how the findings of the courts below are patently illegal or incorrect necessitating intervention by this Court. Keeping in view the present trend of prices, to the mind of this Court such a meager amount is nothing but a mere pittance just enabling the wife to make both ends meet and can by no means be termed to be an extravagant one. Neither there is any illegality much less any perversity, for this Court to show indulgence in these findings which need to be upheld. The present petition being hopelessly without merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 27, 2019

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No