

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

**CRR (F)-214-2019 (O&M)
Date of Decision : 11.04.2019**

Pankaj Goyal

..... Petitioner

Versus

Preeti Goyal and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Bhisham Kumar Majoka, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 401 Cr.P.C., against the order dated 20.02.2019, passed by the learned Principal District Judge (Family Court), Gurugram vide which the interim maintenance for a sum of Rs.7500/- per month was awarded to respondent No.2-the minor son of the petitioner.

Undisputedly, respondents Smt. Preeti Goyal-wife and Master Pratyakash Goyal moved a petition under Section 125 Cr.P.C. for maintenance on the ground that they have no source of income and they are unable to maintain themselves, whereas the petitioner is running a business and earning Rs.30,000/- per month.

The respondent appeared before the court below and refuted all the allegations by filing a reply. However, on hearing the parties, the learned court below has awarded maintenance only to the child at the rate of Rs.7500/- per month and the petition for grant of maintenance to respondent No.1-wife was dismissed.

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

The provisions of Chapter X Cr.P.C. should be liberally construed as the primary object is to give social justice to women and children and to prevent distribution and vagrancy by compelling those who can support those who are unable to support themselves. These provisions provide a speedy remedy to those who are in distress. They are intended to achieve this social purpose. This section gives effect to the natural and fundamental duty of a man to maintain his wife, children and parents so long as they are unable to maintain themselves. Its provisions apply and are enforceable whatever may be the personal law by which the persons concerned are governed.

Section 125 was conceived to ameliorate the agony, anguish, financial suffering of a woman who left her matrimonial home for the reasons provided in the provision so that suitable arrangements can be made by the Court and she can sustain herself and her children. The concept of sustenance does not necessarily mean to lead the life of an animal, feel like an un-person to be thrown away from grace and roam for her basic maintenance somewhere else. She is entitled in law to lead a life in the similar manner as she would have lived in the house of her husband.

In a case relating to grant of maintenance, the Supreme Court observed that in both constitutional and statutory interpretation, the Court is supposed to exercise discretion in determining the proper relationship between subjective and objective purpose of law. Of late, in this very direction, it is emphasised that the Courts have to adopt different approaches in social justice adjudication, which is also known as social

context adjudication. Merely adversarial approach may not be appropriate. There are a number of social justice legislations giving special protection and benefits to such groups. Thus, it was observed that the role of the Court is to understand the purpose of law in society and to help the law achieve its purpose. Explaining the ethos of modern trend in social legislation. Hon'ble Supreme Court in **Badshah v. Urmila Badshah Godse, AIR 2014 SC 869** observed as follows:-

“....Purposive interpretation needs to be given to the provisions of S. 125 CRPC. While dealing with the application of destitute wife or hapless children or parents under this provision, the court is dealing with the marginalized sections of the society. The purpose is achieve 'Social Justice' which is the constitutional vision, enshrined in the preamble to the Constitution of India, Preamble to achieve the goal of securing for all its citizens, justice, liberty, equality and fraternity. It specially highlights achieving their social justice. Therefore, it becomes the bounden duty of the Courts to advance the cause of social justice. While giving interpretation to a particular provision, the Court is supposed to bridge the gap between the law and society.”

It is undisputed fact that petitioner is the father of minor, who is studying in a school. He requires money to bear the school expenses, uniform/clothing etc. the quantum of maintenance at the rate of Rs.7500/- per month is appropriate to the circumstances of the case.

It has been asserted that in the application filed before the court below that the petitioner was earning Rs.30,000/- per month, while replying to this fact, he did not disclose his actual income. Apart from it he is an able bodied person. and he can easily pay maintenance. It is his moral, social and legal duty to maintain his son. The quantum of

maintenance is not exorbitant.

In view of aforesaid, this court is of the opinion that the impugned order 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.

11.04.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No