

114.

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

CRR(F)-258-2019

Date of decision:09.07.2019.

RAJEEV RATHORE

.... Petitioner

versus

MANJU

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Kotla, Advocate, for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner-husband has filed the present revision petition against the judgment dated 06.03.2019 passed by the learned Principal Judge, Family Court, Gurugram wherein on an application filed by the respondent-wife under Section 125 Cr.P.C., the petitioner has been directed to pay a sum of Rs.10,000/- per month to the respondent from the date of filing of the petition.

Counsel for the petitioner has argued that in fact the respondent-wife has remained under depression for the reason that she could not conceive and there were repeated miscarriages. The petitioner was merely a salesman/employee with K.S. Bangles, whereas the learned Family Court has considered him as if he is owner of the shop. The respondent has failed to lead any cogent evidence to establish that the petitioner is owner of said shop. Moreover, the income of the petitioner even from the said shop has not been established. He has further argued that even if the wife was held entitled for maintenance, the same should have been from the date of the order and not from the date of application.

I have heard learned counsel for the petitioner.

The petitioner has taken a stand that he is an employee with the K.S. Bangles, but at the same time when he was cross-examined in the case, he was confronted with a notice issued by M/s M&G Associate under Section 25 of the Payments and Settlement Systems Act, 2007 and he has admitted that the notice was addressed to him. This fact has not been controverted by the petitioner. In fact, the notice was issued to the petitioner in his capacity as an owner of the shop and not as an employee. Thus, considering the income of the petitioner from the said shop, learned Family Court has rightly awarded maintenance @ Rs.10,000/- per month to the wife.

Accordingly, this Court does not find any reason to interfere in the judgment dated 06.03.2019 passed by the learned Family Court.

Dismissed.

(HARI PAL VERMA)
JUDGE

09.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No