

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

**CRR(F)-463-2017 (O&M)
Date of Decision: 22.2.2019**

Pankaj Jain

.....PETITIONER(s).

VERSUS

Smt. Parul Jain and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Varun Garg, Advocate,
for the petitioner.
Mr. Pankaj Jain, Advocate,
for the respondents.

RAJ SHEKHAR ATTRI, J.

This is a revision petition for quashing impugned order dated 22.9.2017 passed by learned District Judge (Family Court), Gurugram whereby the respondents were granted maintenance @ ₹ 10,000/- each per month under Section 125 of the Code of Criminal Procedure Code.

Learned counsel for the petitioner has vehemently contended that no evidence is available on the record if any cruelty was committed to the petitioner and without such evidence, no relief can be granted. However, it has also been argued that the mother of the minor respondent is also working and she have to share the responsibility of the minor in monetary terms.

I have heard learned counsel for the parties and gone through

the record.

Serious allegations have been levelled against the petitioner in the petition with regard to domestic violence. It is claimed in the petition that the petitioner is a Chartered Accountant and is running his own firm in the name and style of 'Pankaj D. Jain & Co.' at Mayapuri, Phase-III, New Delhi. He is an income tax payee and his income is not less than one lac per month and he can easily pay ₹ 35,000/- to respondent-wife and to the minor children daughter for school fee and daily necessities.

Specific allegations have been levelled against the petitioner that he was initially demanding dowry from his wife and he used to insult and humiliate her in the presence of his relatives.

There are serious allegations with regard to cruelty. Hon'ble Supreme Court in **Sangita Saha v. Abhijit Saha and others**; Special Leave to Appeal No.2600-2601/2016 decided on 28.1.2019 has made following observations : -

“We are in agreement with the finding recorded by the High Court that there is absolutely no evidence to prove domestic violence. However, we are of the considered opinion that the child has to be paid maintenance at the rate of Rs.4,000/- as was determined by the learned District Judge. The learned counsel for the respondent fairly acceded to the same.”

A bare perusal of the above quoted paragraph shows that although there was absolutely no evidence to prove the domestic violence, yet the child was awarded maintenance @ ₹ 4,000/- per month.

It has also been argued that mother of the minor child is also

working woman. She can also share the responsibility. This Court has considered this submission but it carries not weight. In this case, mother is providing dress, books, uniform and so many things. By arguing this, the petitioner wants to shun away from the responsibility.

This Court would like to quote Washington Irving's words :

“A father may turn his back on his child; brothers and sisters may become inveterate enemies; husbands may desert their wives, and wives their husbands. But a mother's love endures through all; in good repute, in bad repute, in the face of the world's condemnation, a mother still loves on, and still hopes that her child may turn from his evil ways, and repent; still she remembers the infact smiles that once filled her bosom with rapture, the merry laugh, the joyful shout of his childhood, the opening promise of his youth; and she can never be brought to think him all unworthy.

The comfort of cozy lap of the mother enjoyed by the child cannot be quantified in terms of money. In case of daughter, mother is her first friend as well as saviour. The mother's heart is child's school room.

Keeping in view the facts and circumstances of the case, this Court is of the view that the quantum of maintenance awarded to the respondents is merely adequate and appropriate as she is entitled to enjoy the status of life her husband is maintaining himself. No case is made out for interference in the impugned order by this Court.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

February 22, 2019
Paritosh Kumar

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>