

111.

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

CRR(F)-124-2018

Date of decision:24.01.2019.

ROSHAN LAL

... Petitioner

versus

SUSHMA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Punit Malik, Advocate, for the petitioner.

HARI PAL VERMA, J.(Oral)

The petitioner, who is husband, has filed the present revision petition against the order dated 09.01.2018 passed by learned District Judge, Additional Family Court, Hisar, whereby the petition filed under Section 125(5) Cr.P.C., was dismissed.

The record reveals that the respondent-wife had filed a petition under Section 125 Cr.P.C. on 27.07.2011 seeking maintenance from the petitioner-husband and vide order dated 04.05.2013, learned District Judge, Family Court, Hisar, had directed the petitioner to pay a sum of Rs.5,000/- per month to the respondent-wife as maintenance allowance from the date of filing the petition. The relevant para reads as under:-

“10. The fact of solemnization of marriage between the parties is not disputed. It is the specific case of the petitioner that she does not own any moveable or immovable property in her name and has no source of income and presently residing in rental home when she was turned out from her matrimonial home. No proof has been given on behalf of the respondent that the petitioner-wife is living in adultery with someone, as has been alleged by him in his reply to the petition. He has himself

admitted that he is running a private school in the name of Dr.Bhim Rao Ambedkar at village Petwar. Therefore, keeping in view the totality of the circumstances and currently soaring prices of the bare necessities of daily life, such as food, medicines, clothes and other unforeseen incidental expenses vis a vis and earning capacities of the parties, the ends of justice would be served if the respondent is directed to pay a sum of Rs.5,000/- per month to his petitioner-wife as maintenance allowance maintenance from the date of filing the present petition. It is ordered accordingly. The petition thus stands disposed of finally, without any order as to costs. Memo of costs be prepared and file be consigned to the record room after due compliance.”

The trial Court order dated 04.05.2013 whereby the petitioner was ordered to pay maintenance to the respondent-wife, was never challenged. Now the petitioner has filed a petition under Section 125(5) Cr.P.C. which is nothing but virtually a review of that order. The relationship between the parties are not in dispute. The wife is staying separately from the husband. It being legal obligation on the part of the petitioner being husband, this Court finds no illegality in the order dated 09.01.2018 more particularly when the initial order dated 04.05.2013 whereby the petitioner was directed to pay maintenance to the respondent-wife was never made a subject matter of challenge. Vide order dated 04.05.2013, the Family Court had directed the petitioner-husband to pay a sum of Rs.5,000/- per month as maintenance to the respondent-wife.

Dismissed.

(HARI PAL VERMA)
JUDGE

24.01.2019

sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.