

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

CRR (F) No.192 of 2018 (O&M)
Decided on:- March 08, 2019.

Dheeraj Sharma.

.....Petitioner.

Versus

Mrs. Anita Devi and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Munish Behl, Advocate for the petitioner.

HARI PAL VERMA, J. (Oral)

CRM-4254-2019

Prayer in this application filed under Section 482 Cr.PC is for placing on record the affidavit of the petitioner.

The affidavit of petitioner Dheeraj Sharma is taken on record subject to all just exceptions.

CRM stands disposed of.

CRR (F) No.192 of 2018

The petitioner has filed present criminal revision against the judgment dated 08.03.2018 passed by learned Additional Principal Judge, Family Court, Faridabad, whereby in a petition under Section 125 Cr.P.C. filed by the respondents, the family Court has awarded maintenance of Rs.5,000/- per month to respondent No.1-wife and Rs.2,500/- per month to respondent No.2-minor daughter of the petitioner with effect from the date of filing of the petition.

Learned counsel for the petitioner has argued that the petitioner is 100% physically handicapped and is earning only Rs.6500/- per month as per salary certificate (Ex.R6).

The argument as put forward by learned counsel for the petitioner has duly been considered by the family Court. The medical certificate produced by the petitioner before the family Court does reflect that this physical deformity existed since birth and the same is limited only to the arm. Therefore, the plea of the petitioner that he is 100% handicapped cannot be accepted for the purpose of awarding maintenance. Moreover, the petitioner has also admitted in his cross-examination before the family Court that despite being handicapped to the aforesaid extent, he is working and earning and earlier he had a motorcycle also. Thus, the family Court has rightly considered the plea of the petitioner as regard his physical deformity. The awarded maintenance is not on higher side as the cost of living is increased. The awarded maintenance is perfectly in consonance with the claim of the respondents, which is based on the income of the petitioner. Therefore, no interference is warranted with the impugned judgment dated 08.03.2018 passed by the family Court.

Accordingly, affirming the impugned judgment dated 08.03.2018 passed by the family Court, present criminal revision, being devoid of any merit, is dismissed.

March 08, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No