

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

**CRR(F)-502-2018 (O&M)  
Date of Decision: 18.7.2019**

Umed Singh

**.....PETITIONER(s).**

**VERSUS**

Anita and another

**.....RESPONDENT(s).**

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

Present: Mr. R.K.Agnihotri, Advocate,  
for the petitioner.

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**RAJ SHEKHAR ATTRI, J.**

The present revision petition has been filed against the judgment dated 4.9.2018 passed by District Judge, Family Court, Bhiwani whereby the petitioner was directed to pay maintenance @ ₹ 4000/- per month to the wife and ₹ 2500/- per month to the minor child.

Heard.

It appears that the petitioner is not willing to make the payment of maintenance awarded to his wife and minor son. Both, the wife of the petitioner and his son, preferred an application for grant of maintenance on the ground that they have been neglected and refused to maintain.

Initially, the petitioner appeared, filed reply, contested the application but later on abandoned the proceedings, therefore, he was

proceeded against ex parte.

To prove its case, the respondent appeared as PW1 and also examined her mother as PW2.

Learned Principal District Judge, Family Court, Bhiwani awarded maintenance @ ₹4,000/- per month to the wife and ₹ 2500/- per month to the minor son per month vide order dated 4.9.2018. Said amount has not been paid or deposited by the petitioner. Instead, he filed the present petition.

When he himself has chosen to abandon the proceedings, he has no right to challenge the said order especially when he failed to make the payment of maintenance. It has been specifically averred in the application that the petitioner is working as an agent of Life Insurance Corporation of India and is earning ₹ 30,000/- per month. The petitioner failed to rebut all these averments. Apart from it, he is an able bodied person and can easily pay the said amount awarded to the respondents.

It has been further submitted that as per decree under Section 9 of Hindu Marriage Act against the wife, she is not entitled to maintenance. The petitioner did not opt to tender that judgment before the court below, therefore, this argument cannot be accepted at this stage.

Dismissed.

( RAJ SHEKHAR ATTRI)  
JUDGE

July 18, 2019  
Paritosh Kumar

***Whether speaking/reasoned:***  
***Whether Reportable:***

***Yes/No***  
***Yes/No***