

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

CRR (F) No.431 of 2019.
Decided on:- July 15, 2019.

Lakhvinder Singh.

.....Petitioner.

Versus

Charanjit Kaur and another

.....Respondents.

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

Present:- Mr. Rajesh Tushar, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner-husband has filed present criminal revision against the order dated 24.04.2019 passed by learned Principal Judge, Family Court, Kurukshetra, whereby on an application filed by the respondent No.1- wife seeking interim maintenance in the petition under Section 125 Cr.P.C., the family Court has awarded interim maintenance @ Rs.10,000/- per month to the respondent-wife with effect from the date of filing of the application deductible from the salary of the petitioner with a further direction that arrears commencing from the date of filing of the application i.e. 21.03.2017 till 24.04.2019 (when the impugned order was passed) also deserve to be paid to the respondent-wife forthwith. Therefore, a direction was issued to the DDO of the petitioner-husband to additionally deposit a sum of Rs.3,000/- per month in the bank account of respondent-wife to cover up the back log.

Briefly stated, the respondent-wife filed a petition under Section 125 Cr.PC seeking maintenance qua herself and minor son Amrit Pal Singh (respondent No.2 herein). The marriage between the parties is not in dispute and out of this wedlock, respondent No.2 was born on 25.03.2012. The petitioner is working with the Indian Army in the rank of ACPNK and is getting a salary of Rs.36,452/- per month.

During pendency of the aforesaid petition, the respondent-wife had filed an application for grant of interim maintenance and considering the income of the petitioner as Rs.36,452/- per month in the month of November, 2016, the family Court awarded interim maintenance @ Rs.10,000/- per month to the respondent-wife from the date of filing of the application i.e. 21.03.2017.

Learned counsel for the petitioner-husband has argued that the respondent-wife was already married with Karnail Singh and this fact was not in the notice of the petitioner. The respondent has concealed this fact and she had filed an application to the Commanding Officer, Armed Regiment C/o 56-APO for grant of family maintenance allowance and a sum of Rs.5,000/- per month was allowed to her.

He has further argued that the petitioner has availed a house loan and he is required to pay Rs.18,000/- per month as installment of said loan. In addition thereof, a sum of Rs.400/- per month is being paid by him for loan of the insurance and an amount of Rs.2904/- per month is being as premium of insurance policy, which is in the name of respondent No.2. Thus, income of

the petitioner does not warrant such a higher amount of interim maintenance as awarded by the family Court.

I have heard learned counsel for the petitioner.

The salary of petitioner Rs.36,452/- per month relates to November, 2016 and with the passage of time, his salary must have been increased. No such salary certificate has been placed on record so as to take note of his latest salary. Therefore, an adverse inference deserves to be drawn against the petitioner.

Be that as it may, the respondents are wife and minor son of the petitioner. The amount of Rs.10,000/- per month granted by the family Court in the form of interim maintenance is quite reasonable and is not exorbitant. Therefore, no interference is warranted with the impugned order dated 24.04.2019 passed by the family Court.

Accordingly, affirming the impugned order dated 24.04.2019 passed by learned Principal Judge, Family Court, Kurukshetra, present criminal revision, being devoid of any merit, is dismissed.

However, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the same without being influenced with these observations in any manner.

July 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No