

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

CRR (F) No.571 of 2018.  
Decided on:- July 22, 2019.

Parvesh Rathi.

.....Petitioner.

Versus

Rekha.

.....Respondent.

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

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Present:- Mr. Akashdeep Singh, Advocate  
for the petitioner.

Mr. Harsh Aggarwal, Advocate  
for the respondent.

**HARI PAL VERMA, J. (Oral)**

The petitioner has filed present criminal revision against the order dated 05.09.2018 passed by learned Additional Principal Judge, Family Court, Rohtak, whereby on an application filed by the respondent-wife seeking interim maintenance in the petition under Section 125 Cr.P.C., the family Court has awarded interim maintenance @ Rs.5,000/- per month with effect from the date of filing of the application.

Learned counsel for the petitioner-husband has argued that on the date on which the family Court had awarded interim maintenance, the petitioner was not drawing salary as on account of his family circumstances which including the ailment of the petitioner and his father, he could not join his new appointment in the Ministry of Labour in ESIC Department, Madhya Pradesh. The respondent-wife is not entitled for maintenance as she is

working as a guest teacher on *ad hoc* basis and in this manner, she is independently earning.

On the other hand, learned counsel for the respondent-wife has argued that as per the information received through the Right to Information Act, 2005 obtained by the respondent, the petitioner-husband was drawing salary of Rs.73,636/- per month. Even in the month of September, 2017, same salary was repeated.

Having heard learned counsel for the parties, this Court finds that present is a case where the petitioner is bent upon to deprive the respondent-wife from interim maintenance of Rs.5,000/- per month so awarded by the family Court, Rohtak. The respondent-wife had filed the petition under Section 125 Cr.P.C. on 03.07.2017 and as per the information received by her through the Right to Information Act, 2005, in the months of July and September, 2017, the petitioner had drawn salary @ Rs.73,636/- per month. Therefore, this Court finds that the granted maintenance is too symbolic. Merely because the respondent-wife is working as guest teacher on *ad hoc* basis does not mean that she is regularly appointed. Therefore, considering the fact that the maintenance so awarded by the family Court Rs.5,000/- per month and that too is interim in nature, no interference is warranted with the impugned order dated 05.09.2018 passed by the family Court.

Accordingly, affirming the impugned order dated 05.09.2018 passed by learned Additional Principal Judge, Family Court, Rohtak, present criminal revision, being devoid of any merit, is dismissed.

At the same time, the respondent-wife is at liberty to file an appeal/revision for enhancement of interim maintenance, if so advised.

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

**July 22, 2019**  
Yag Dutt

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned:                      Yes

Whether Reportable:                                No