

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

CRR (F) No.452 of 2019 (O&M)

Decided on:- July 22, 2019.

Deepak.

.....Petitioner.

Versus

Jyoti.

.....Respondent.

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

Present:- Mr. Kartar Singh Malik, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed present criminal revision against the order dated 04.06.2019 passed by learned Additional District and Sessions Judge, as Principal Judge, Camp Court, Narwana, 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.10,000/- per month with effect from the date of filing of the application.

Briefly stated, the respondent-wife had filed a petition under Section 125 Cr.P.C. for grant of maintenance against the petitioner. The marriage between the parties was solemnised on 17.11.2015. The respondent conceived pregnancy, but the petitioner and his family members gave some tablets to the respondent which resulted in miscarriage of her pregnancy. The petitioner and his family members are greedy persons and have always raised demand. The petitioner had illicit relations with some other lady and for this

reason, the family used to beat and harass the respondent. The petitioner is B.Tech. in computer science and is running a coaching centre at Dadri. He is earning more than Rs.70,000/- per month. Besides that, the petitioner and his family members are big landlords having sufficient properties in rural and urban areas including plots of 500 square yards and 200 square yards at Dadri. There are three shops which are on rent and 4½ acres of agricultural land at Dadri and another 6 acres agricultural land situated at village Nalwa, District Hisar. Thus, they are earning more than Rs.1,00,000/- per month from the aforesaid properties. The father of petitioner-husband is retired Army personnel and is getting pension of Rs.32,000/- per month. Thus, the total monthly income of the petitioner and his family members is Rs.2,02,000/-.

The petition under Section 125 Cr.PC was accompanied with an application for interim maintenance, wherein the respondent-wife claimed interim maintenance of Rs.30,000/- per month.

The petitioner-husband filed reply to the petition filed by the respondent-wife pleading therein that the respondent has made false allegations against him. She is in the habit of filing false cases. She misbehaved with the petitioner and his family members and refused to do the household works and is in habit of giving abuses to the petitioner-husband. The petitioner is ready to keep the respondent with him. The petitioner has three sisters and old parents and due to illegal acts and conduct of the respondent and her parents, the parents of the petitioner are mentally disturbed and remained ill. The petitioner has got no source of income, rather, the respondent-wife is an earning hand lady.

Considering the rival contentions of the parties, the trial Court has awarded interim maintenance @ Rs.10,000/- per month to the respondent-wife from the date of filing of the petition till its final disposal.

Learned counsel for the petitioner-wife has argued that the order dated 04.06.2019 passed by the trial Court is perverse, illegal, unjust and improper. The respondent-wife is not entitled to claim any maintenance from petitioner as she herself left the company of the petitioner on her own without any reason and against the consent of the petitioner for which the petitioner has filed a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights.

He has further argued that the petitioner has no source of income being unemployed person and is dependent upon his parents. The petitioner could not get any employment because of pendency of criminal cases against him as the respondent-wife has lodged complaints against him, which are pending considering before the respective forum/authorities. She has concealed the fact that she is already getting *pendente lite* maintenance under Section 24 of the Hindu Marriage Act, 1955 in a pending petition filed by the petitioner under Section 9 of the Hindu Marriage Act, wherein she is getting Rs.3,000/- per month by considering the income of the petitioner as Rs.8,000/- per month. The petitioner is B. Tech. in computer science.

Learned counsel for the petitioner has referred the document Annexure P-6 (colly) to contend that the petitioner has been selected as Sub-Inspector in CISF, but because of the complaint filed by the respondent, he could not join it.

I have heard learned counsel for the petitioner.

The petitioner is the only son of his parents. The impugned order dated 04.06.2019 passed by the trial Court does reflect that the respondent-wife has pleaded that the petitioner is running a coaching centre, has enough property which include 250 square yards plot and a constructed house of 500 square yards in Dadri. In addition to this, he has three shops which are on rent. Further, father of the petitioner is a retired Army personnel and is getting monthly pension of Rs.32,000/-. Therefore, considering the properties and the income accrued thereon, this Court finds that the awarded interim maintenance of Rs.10,000/- per month so as to sustain is not on higher side.

The argument of learned counsel for the petitioner that the respondent-wife is getting Rs.3,000/- per month under Section 24 of the Hindu Marriage Act, 1955 has no relevance as by adding this amount, the total liability of the petitioner-husband comes to Rs.13,000/- per month. Moreover, the awarded maintenance is interim in nature, which shall be adjudicated at the time of final disposal of the petition under Section 125 Cr.P.C. Therefore, no interference is warranted with the impugned order dated 04.06.2019 passed by the trial Court.

Accordingly, affirming the impugned order dated 04.06.2019 passed by learned Additional District & Sessions Judge, as Principal Judge, Camp Court, Narwana, present criminal revision, being devoid of any merit, is dismissed.

Since the present petition is based on interim maintenance, 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 22, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No