

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

CRR (F) No.557 of 2019.

Decided on:- August 22, 2019.

Harbans Singh.

.....Petitioner.

Versus

Harjinder Kaur.

.....Respondent.

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

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

HARI PAL VERMA, J.

The petitioner-husband has filed present criminal revision against the judgment dated 13.05.2019 passed by learned Additional Principal Judge, Family Court, Camp Court, Rajpura, whereby on a petition filed by the respondent-wife under Section 125 Cr.P.C., the family Court has awarded maintenance @ Rs.10,000/- per month to the respondent being the legally wedded wife of the petitioner from the date of filing of the petition.

Briefly stated, the respondent-wife whose marriage was solemnised with the petitioner on 14.02.2007 had filed a petition under Section 125 Cr.PC seeking maintenance from the petitioner. This is the second marriage of the parties, as the previous spouses of the parties had died. The petitioner has two sons and two daughters from his earlier marriage. All the four children of the petitioner are married, though his sons are residing

with him. On the other hand, parents of the respondent had died before her marriage with the petitioner. Enough amount was spent by the brother of respondent in the marriage, but still the petitioner was not satisfied with the same and, therefore, started taunting her for insufficient dowry and demanded a car. The petitioner gave threat to the respondent which compelled her to leave the matrimonial home. Though a Panchayat was convened and the petitioner apologised for his behaviour and assured that he will not harass the respondent, but still he did not mend his behaviour and continued to harass her.

On 04.05.2016, the petitioner under the influence of liquor, raised demand of car from the respondent and when she showed her inability to fulfil the demand, the petitioner used abusive language and gave her beatings mercilessly and turned her out from her matrimonial home. The petitioner had retired as Inspector, Pepsu Road Transport Corporation, possesses sufficient movable and immovable property in his name. He is earning around Rs.50,000/- per month from various sources and, therefore, the respondent-wife is entitled to maintenance @ Rs.25,000/- per month.

Reply was filed by the petitioner-husband admitting the factum of marriage, but denying the demand of dowry and the car. It was further pleaded that the respondent-wife had solemnised marriage with the petitioner-husband by concealing material facts. The respondent had criminal track record which was not in the knowledge of the petitioner. She along with co-accused Baldev Singh was convicted under Section 302 IPC and was awarded life imprisonment vide judgment dated 11.12.2003 for committing murder of her first husband. The petitioner and the respondent had gone for pilgrimage

trip from 28.03.2016 to 08.04.2016 in a group and visited many Gurudwaras Sahib including Patna Sahib and Ritha Sahib. The respondent enjoyed the journey along with the petitioner. She left the matrimonial home without sufficient cause and any notice to the petitioner.

On the basis of evidence so adduced by the respective parties, the family Court had found that the petitioner is earning a sum of Rs.25,000/- per month from his pension as he is a retired person from PRTC, Patiala and taking into consideration his monthly pension @ Rs.25,000/- per month, the respondent was held entitled to maintenance @ Rs.10,000/- per month from the date of filing of the petition.

Dissatisfied with the aforesaid maintenance passed by the family Court in favour of the respondent, the petitioner has filed the present criminal revision.

Learned counsel for the petitioner-husband has argued that the respondent-wife is person of criminal track record. She along with co-accused Baldev Singh, with whom she was maintaining illicit relations, had been held guilty for committing the murder of her previous husband for which she was awarded life imprisonment, though she is on bail.

He has further argued that the family Court has failed to consider the fact that the respondent has not adduced any evidence regarding demand of dowry or giving beatings to her which allegedly led to her leaving the matrimonial home. The petitioner is a retired person and is completely dependent upon the amount which he draws from pension. The respondent has betrayed him at this old age. She has been living separately from the petitioner without there being any sufficient cause. The awarded amount is on

higher side as the petitioner can hardly manage his day to day life on the amount of pension.

I have heard learned counsel for the petitioner.

So far as the relationship between the parties is concerned, there is no dispute. The petitioner has admitted the fact that he is retired from PRTC and is getting pension to the tune of Rs.25,000/- per month. The pleaded case of the petitioner is that he and the respondent had enjoyed the pilgrimage trip from 28.03.2016 to 08.04.2016. In this manner, the parties had enjoyed the journey. Thus, the relations between the parties were cordial during the aforesaid period. Though the respondent has not been able to substantiate any immovable property in the name of the petitioner, but the carry home pension of the petitioner has been established as Rs.25,000/- per month. The petitioner has four children, but they are not dependents upon him and they also own properties in their names.

The very object of the proceedings under Section 125 Cr.PC is to protect a woman and children to prevent vagrancy and destitution. When the petitioner himself is drawing pension @ Rs.25,000/- per month and the family Court had awarded interim maintenance @ Rs.8,000/- per month to the respondent-wife during pendency of the petition, this Court finds that the awarded maintenance of Rs.10,000/- per month to the respondent-wife is not on higher side. Moreover, cost of living is increasing day by day. Thus, no interference is warranted with the impugned judgment dated 13.05.2019 passed by the family Court. The wife is expected to live with the same comfort, as her husband is living.

Accordingly, affirming the impugned judgment dated 13.05.2019 passed by the family Court, present criminal revision, being devoid of any merit, is dismissed.

August 22, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No