

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

125

CRR(F)-813-2019 (O&M)

Date of decision : 08.11.2019

Balwinder Singh

... Petitioner

Versus

Balwinder Kaur

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sanjay Jain, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 09.09.2019 whereby the Family Court has allowed the application preferred by the respondent under Section 125 of Cr.P.C. and granted her maintenance @ Rs.10,000/- per month.

Learned counsel for the petitioner contends that the petitioner had been maintaining the respondent while she was earlier living with him and now she is residing with her elder brother, namely, Bhag Singh and the application for maintenance was preferred by her at the behest of the other brothers of the petitioner who are eying her share in the land. He also contends that earlier the relations between the petitioner and the respondent were cordial and the dispute arose when the respondent had transferred her share of the land in favour of her grand-son, who is the son of the petitioner by way of relinquishment deed which has been challenged by her later on.

Heard.

It is manifest that the petitioner owns 56 kanals 6 marlas of agricultural land and the share of the respondent had also been transferred in

the name of the son of the petitioner. The petitioner is stated to be running a milk dairy and his earning capacity has been assessed to be approximately Rs.60,000/- per month by the Family Court. It is rather unfortunate that the petitioner is shying away from his moral duty to maintain his elderly mother, who is 73 years of age, especially when the petitioner has inherited the share of the land of his father and the respondent has transferred part of her share in the name of the petitioner's son, namely, Harmanjot Singh. It is immaterial whether the respondent has challenged the relinquishment deed or the relations between the petitioner and the respondent were strained after the alleged transfer of the land in the name of the grand-son of the respondent who is the son of petitioner. It is incumbent upon the petitioner to provide sufficient means to enable the respondent to have decent living. I do not find the maintenance @ Rs.10,000/- per month to be unjustified by any standard whatsoever especially when the petitioner owns agricultural land and is carrying out other ancillary activities thereon including a milk dairy. Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

November 08, 2019

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No