

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. (F) 428 of 2016 (O&M)
Date of decision : November 05, 2019

Vinod

....Petitioner

versus

Reena

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JP Dhull, Advocate, for the petitioner

Mr. Surinder Gaur, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

This criminal revision by husband Vinod has been filed against respondent wife Reena whereby challenge has sought to be made to an order dated 27.7.2016 of the court of learned District Judge, Family Court, Rohtak awarding Rs 5000/- as maintenance per month to the wife from the date of the application.

Heard counsel for the parties and perused the records.

From the arguments of the two sides what permeates is

that the parties accept the inter-se relationship and their marital discord. It is the claim of the wife that she does not own any moveable or immoveable property and has no source of income while the husband is an able-bodied person and is running a transport business and earning Rs 35,000/- per month.

Appreciating the submissions, the wife in her testimony as PW1 has tendered her affidavit Ex. P1 and documents Ex. P2 and examined her mother Murti Devi as PW2.

The husband as RW1 has relied on copy of a petition Ex. R1, statement of the wife Ex. R2 and closed the evidence.

Through the evidence before this Court there is nothing materially tangible to establish as to the avocation of the husband or his earnings and similarly is the fate of the husband against the wife wherein he claims that she is gainfully employed. Thus, in view of such peculiar situation leads the Court to exercise its discretion. Admittedly, as is there in the submissions, the husband is an able-bodied person and the parties are at loggerheads in various disputes inter-se between them. The wife on the basis of the documentary proof of having got registered a criminal case against the husband has sought to rake up the stand that she was forced to renounce this relationship because of the criminal conduct of the husband.

Keeping in view that it is not displaced by any means that the husband is gainfully employed in some way or the other and keeping in view the normal requirement of a house hold lady who has no source of income and does not own any moveable or immoveable property and at the same time having regard to the fact that the husband is not shown to be in any manner having any moveable or immoveable property or any definite earnings through cogent evidence. Considering the relative economic state of the two sides their ages and backgrounds including educational and economic status, this Court feels that award Rs 5000/- is certainly appropriate when admittedly the parties are residing in rural area and therefore, the counsel for the petitioner side could not convince this Court how the award of maintenance of Rs 5000/- per month to the wife is on the higher side or unjust. Finding no merit, this revision petition stands dismissed.

November 05, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No