

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

CRR(F) No.323 of 2017

Date of decision: 29th August, 2019

Lilu Ram

... Petitioner

Versus

Parwati

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Pawan K. Hooda, Advocate for the petitioner.
Mr. Sanjeev Sharma, Advocate as legal aid counsel
for the respondent.

FATEH DEEP SINGH, J.

Husband Lilu Ram has invoked jurisdiction of this Court under Section 401 Cr.P.C. against the respondent wife Parwati, whereby he has challenged an order dated 07.06.2017 of the Court of learned District Judge, Family Court, Hisar whereby allowing the prayer of the wife in application under Section 125 Cr.P.C. the Court had granted ₹15,000/- per month as maintenance from the date of the application besides ₹ 5,500/- towards litigation expenses.

Heard Mr. Pawan K. Hooda, Advocate for the petitioner;
Mr. Sanjeev Sharma, Advocate as legal aid counsel for the respondent and
perused the records of the case.

It is admitted case of the two sides that out of the wedlock between the petitioner and the respondent, three daughters namely Nirmala, Sudesh and Mukesh along with two sons namely Sunil and Krishan Kumar were born. It is also not displaced that at the time of the findings recorded by the Court below, one of the daughters namely Nirmala was married whereas the other children who were residing with their mother were unmarried. The wife claims that she is illiterate and does not have any source of income and is unable to maintain herself as well as her children born out of this wedlock. The wife claims that the husband is employed as a Kanoongo (revenue official) and earning ₹45,000/- per month as salary. On the other hand, the husband has denied the averments of the wife, further denying her allegations of cruelty and maltreatment, and terming her to be an arrogant lady with sufficient earnings, sought dismissal of her claim.

The wife in her evidence, testified as PW1 by way of her affidavit Ex.PW1/A while the husband stepped into the witness box as RW1 and deposed on the basis of his affidavit Ex.RW1/A.

It is upon evidence and the pleadings that the Court has drawn the conclusion that the husband is working as a Kanoongo and relying upon his salary slip for the months of January and February 2015-16 has assessed his gross-salary to be ₹53,892/- per month. Nothing

tangible has been brought on the record by the petitioner husband to show that the eldest son is earning. The assertion on behalf of the petitioner that the wife accepts that she is having a house in her name, has been well explained by the learned counsel for the respondent who has drawn attention of the Court to the cross-examination of the wife wherein she has clarified that the same is not habitable. Though it has been submitted with much force and vehemence that the wife can also lay claim against the grown up children, has been well countered by the respondent side on the grounds that it is sole discretion of the dependent and since the petitioner happens to be her husband, her first and the foremost claim lies against him. More so, being a Government employee, working as Kanoongo, the husband cannot wriggle out of his obligation towards his wife. Having regard to the earnings of the husband, the Court below has rightly drawn conclusion that ₹15,000/- per month would be appropriate maintenance for upkeep and maintenance of the wife. To the specific query of the Court, learned counsel for the petitioner could not bring about how this amount is on the higher side or is unjustified and illegal necessitating intervention by this Court. It could also not be impressed by the petitioner side that the amount of ₹5,500/- as litigation expenses is unjustified. The Court below has detailed at length the reasons and the evidence before it and has come up with a totally

justifiable conclusion. More so, keeping in view that the husband even after his retirement is entitled to service benefits and therefore, cannot get out of his commitment in future life. The plea that the husband has fractured his leg, does not come in the way of the right of the wife to claim maintenance as there is apparently no decrease in this salary. Learned counsel for the petitioner could not convince this Court how the order under challenge is illegal or unjustified. Thus, finding no merit, the present revision petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 29, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No