

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR(F)-1055-2019 (O&M)

Date of Decision:- 12.12.2019

Dilmanga Ram

... Petitioner

Versus

Lovepreet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ramesh Sharma, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner has approached this Court challenging order dated 24.9.2019 passed by the learned Family Court, Moga whereby the Family Court while partly accepting a petition under Section 125 Cr.P.C., filed on behalf of the respondent has awarded maintenance to the respondent @ ₹6000/- per month.

Learned counsel for the petitioner has submitted that the aforesaid maintenance as awarded by the Family Court is on the higher side given the fact that the income of the petitioner is barely around ₹44,000/- per month out of which he is also supporting his other daughter and is also paying an installment of house loan. The relevant extract from the impugned order wherein the income of the petitioner has been assessed reads as follows:

“..... Document Ex.R1/A is the statement of
account for the month ending 02/2019 relating to the

respondent when he was posted in Pune Unit as Lance Naik. As per the entries incorporated in Ex.R1/A the total credit is ₹44299/- which includes Band Pay ₹32300/- and DA ₹3537/-. As per Ex.P7 which is statement of account of respondent for the month ending 10/2016, the total credit is ₹75523/-, which includes Band Pay ₹8450 and DA ₹180/- and other allowances. Learned counsel for the petitioner failed to controvert the fact that the total salary/credit of each month varies according to the station of posting.....”

Given the fact that the carry home salary of the petitioner is anything above ₹44,000/-, the maintenance as awarded by the Trial Court to the respondent @ ₹6000/- cannot be said to be on the higher side even if he is already paying an amount of ₹4200/- to his wife and is maintaining his other daughter. The fact that the petitioner has taken some loan cannot be taken into consideration while assessing the maintenance which he is liable to pay his wife/child. This Court does not find any infirmity in the impugned order and the same is hereby upheld.

Finding no merit in the present revision petition, the same is hereby dismissed.

December 12, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No