

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

CRR(F)-1008-2019 (O&M)
Date of Decision:-4.12.2019

Devender Singh ... Petitioner

Versus

Vinesh Kumari and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Panwar, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 9.9.2019 passed by learned Additional Principal Judge, Family Court, Faridabad, whereby the learned Trial Court has ordered for payment of an amount of ₹6,000/- per month to each of the two children of the petitioner while no amount has been awarded to respondent No.1 i.e. to wife of the petitioner as she herself was employed and working as Sub-Inspector in CISF.
2. It has been submitted that while the salary of the petitioner is ₹39,000/- per month, his wife is getting a salary of about ₹90,000/- per month and that in these circumstances the petitioner should not have been burdened to pay maintenance to his two children @ 6,000/- per month, which is grossly on the higher side.

3. I have heard the learned counsel for the petitioner.
4. The petitioner is under a bounden duty to maintain his children. In the present case since the petitioner's wife is herself employed, therefore, the Trial Court has chosen not to award any maintenance to petitioner's wife. However, since respondents No.2 and 3 namely Bhargav Baisla and Hardik Baisla aged 10 years and 7 years, respectively, are minor sons of the petitioner, he can not escape from his liability to maintain them. The amount of ₹6,000/- per month for each of the two children as awarded by the Trial Court towards interim maintenance cannot be said to be on the higher side given the fact that the income of the petitioner is ₹39,000/- per month.
5. No doubt, the petitioner's wife is also an earning hand and is perhaps earning more than the petitioner, but the same would only mean that even she would be contributing some amount towards maintaining her children. The fact that the wife is also an earning hand cannot disentitle the children to maintenance to which they are entitled to from their father. The petition, as such, is sans any merit and is hereby dismissed.

4.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No