

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

CRR(F)-1101-2019 (O&M)
Date of Decision:-20.12.2019

Vipin Bihari ... Petitioner

Versus

Poonam Goyal and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Kusum Rai, Advocate for
Mr. Yash Dev Kaushik, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 16.11.2019 passed by learned Additional Principal Judge, Family Court, Faridabad, whereby the learned Family Court, while disposing of an petition under Section 125 Cr.P.C. filed on behalf of the respondent (wife) alongwith her children, has partly allowed the same inasmuch as while the same has been declined qua the wife (respondent No.1), the same has been accepted qua the three children of the petitioner, who have been awarded interim maintenance @ ₹4,000/- per month for each of them.
2. The learned counsel for the petitioner has submitted that since in the present case, wife of the petitioner is admittedly earning handsomely, no case for grant of maintenance qua the children of the petitioner was made out. It has further been submitted that, in any case, the amount as awarded by the

Family Court @ ₹4,000/- per month for each of the three children is on the higher side.

3. I have considered the aforesaid submissions and have also perused the impugned order.
4. The learned Trial Court, while assessing the income of the petitioner to be ₹40,000-50,000/- per month, has relied upon the income tax returns in respect of the respondent for the assessment years 2016-2017, 2017-2018 and 2018-2019, wherein the gross total income of the petitioner is reflected as ₹3,46,110/-, ₹3,63,635/- and ₹2,86,317/-, respectively. It is also noticed that the petitioner had also disposed of a house constructed on a plot measuring 95 Sq.Yds. Thus, while noticing the said facts and also that the respondent is an able bodied person, the Trial Court proceeded to award the interim maintenance @ ₹4,000/- per month for each of the three children. Even if wife of the petitioner is herself earning, still it is the bounden duty of the petitioner to contribute some amount for maintaining his children. In view of the resources of the petitioner, which could be well assessed from the income tax returns, the amount of interim maintenance as awarded by the Family Court @ ₹4,000/- per month for each of the three children cannot be said to be incommensurate with the status of the parties or the income of the petitioner. This Court does not find any ground to interfere in the impugned order and the same is upheld. Finding no merit in the petition the same is dismissed.

20.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No