

111.

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

CRR(F)-1093-2019 (O&M)

Date of decision: 20.12.2019

MUKESH AND ANOTHER

... Petitioners

versus

VARUN MALIK

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manoj Makkar, Advocate, for
Mr. Rahul Makkar, Advocate, for the petitioners.

HARI PAL VERMA, J. (Oral)

CRM-40408-2019

Prayer in this application filed under Section 5 of Limitation Act is for condonation of delay of 22 days in filing the present revision petition.

For the reasons stated in the application, same is allowed and the delay of 22 days in filing the revision petition is condoned.

CRR(F)-1093-2019

Petitioners i.e. wife and minor son have filed the present revision petition against the order dated 16.08.2019 passed by learned Additional Principal Judge, Family Court, Rohtak, whereby on their application filed under Section 125 Cr.P.C. for grant of interim maintenance allowance, the learned Family Court has directed the respondent-husband to pay Rs.7,000/- per month to petitioner No.1 and Rs.2,500/- per month to petitioner No.2, as interim maintenance from the date of filing of the application.

Counsel for the petitioners has argued that the awarded maintenance, even if it is interim, is on lower side. The respondent is well-off person, having two trucks and a cold storage and thus, his income is not less than Rs.1.5 lakh per month.

I have heard counsel for the petitioners and perused the case file.

Apart from the fact that the maintenance awarded by the learned Family Court is interim in nature, the fact as to whether the respondent-husband is owner of two trucks and a cold storage is yet to be established during the course of trial, for which, strict evidence is to be led by the parties. Moreover, from the marriage of petitioner No.1 and respondent, there are two sons, whereas one son is staying with the petitioner and the other son is staying with the respondent. In this manner, the respondent is already maintaining the other son.

No ground for interference is thus made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

20.12.2019

sanjeev

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