

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

**CRM M-57419-2018 (O&M)
Date of Decision : 21.01.2019**

S.Davinderjit Singh

..... Petitioner

Versus

Master Jaskaran Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. B.S.Sra, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 482 Cr.P.C. challenging the order dated 02.01.2018, passed by the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib vide which the petitioner has been directed to pay Rs.5,000/- per month, as interim maintenance, to respondent.

Undisputedly, the petitioner was married with Ramandeep Kaur and from this wedlock, minor son (respondent here) was born.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioner has submitted that while submitting reply to the petition under Section 25 of the Guardians & Wards Act, Ramandeep Kaur- wife has taken the following plea which reads as under:-

“That the future of the minor Jaskaran Singh is involved and same is safe in the hands of the respondent. The petitioner is not in position to look after the maintain the minor son

properly. He is not having sufficient income whereas the replying respondent is serving as Nurse and in government service and she drawing handsome salary. The future of the minor can not be allowed to be ruined by handing over the custody of the minor to the petitioner. The petitioner is also is heavy drunkard person. The minor is studying in a reputed school and as such minor can not be debarred from his good education and his study will be badly affected if the custody of the minor is handed over the petitioner. The petitioner is living in good atmosphere whereas the petitioner is heavy drunkard person and used to take liquor in very excess quantity which will also cause wrong effect on the mind of the minor. It is also settled law that the mother can provide so much love and affection and education and conduct of to her child. That the respondent is having adequate sources and is in better position to provide love and affection to the minor alongwith requisite amenities i.e. education, food, clothing, accommodation etc. thereby safeguarding the future career as well as welfare of the minor. So there is no cause and ground to hand over the custody of the minor to the petitioner. Moreover, the feeling of the minor is also attached with his mother and he can not live without mother and this fact has already been adjudged by the Court of Smt. Ranjit Kaur Guardian Judge in the earlier guardian petition.”

Learned counsel for the petitioner has further submitted that in the case in hand Ramandeep Kaur-wife took the paradoxical plea by stating that the petitioner is having 670 kanal 12 marlas of land and earning Rs.2,00,000/- per month.

After going through the material available on record, this court is of the view that the interim maintenance granted to the respondent is on the meagre side. The minor son is entitled to obtain maintenance for the purpose of education, clothing, food etc apart from the cozy lap of his

mother. But what is she paying to her cannot be gauzed in the terms of money.

In view of aforesaid discussion, this court is of the opinion that the impugned order passed by the court below does not suffer from any illegality, infirmity or irregularity and the same does not call for any interference and is hereby affirmed.

Therefore, the instant petition being devoid of any merit is hereby dismissed.

21.01.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No