

CRR(F)-248-2020

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

CRR(F)-248-2020 (O&M)
Date of decision: 28.02.2020

Dharampuri

.... Petitioner

Versus

Jogindero Devi & anr.

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manmohan Saroop, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

CRM-7687-2020

For the reasons mentioned in the application, same is allowed and the delay of 3 days in filing the petition is condoned.

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Instant petition has been filed against the order dated 21.11.2019 passed by Principal Judge (Family Court), Kurukshetra Camp Court at Pehowa vide which the petitioner was directed to pay a sum of Rs.5,000/- per month as maintenance to respondent No.1 in a petition under Section 125 Cr.PC.

Learned counsel for the petitioner submitted that respondent No.1-wife had been subjecting the petitioner and his family to acute cruelty and harassment right from the beginning of their marriage. Despite that the petitioner made all efforts to ignore her uncalled for behaviour. However, respondent No.1 continued with her unbecoming behaviour as a wife and

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would often threaten the petitioner with false implication in criminal cases. Finally, respondent No.1 left the company of the petitioner without any reasonable cause and filed the petition under Section 125 Cr.PC. It was further submitted that in the light of uncalled behaviour of respondent No.1, who herself walked out of her matrimonial home and deserted the petitioner, he could not be fastened with a liability to pay the maintenance in the sum of Rs.5,000/- per month to respondent No.1. It was also contended that the petitioner was a pensioner having retired from the government job and had the responsibility of four children from his first marriage.

I have heard learned counsel for the petitioner and gone through the impugned order passed by the Court below.

Admittedly, respondent No.1 is not gainfully employed. It cannot be overemphasised that Section 125 Cr.PC is a measure of social justice. It is the boundened duty of a man to maintain his wife and children and parents in case they are unable to do themselves. Admittedly, in the case in hand the petitioner has three acres of agricultural land and is drawing a pension of Rs.21,400/- per month besides also running a dairy farm. It has also come on record that he has taken another 10 acres of land on contract basis. Hence, it goes without saying that the petitioner is not surviving only on his pension but is also earning a substantial and decent sum of money from the business of dairy farming.

In the facts and circumstances of the case, the amount of maintenance in the sum of Rs.5,000/- per month assessed by the Court below

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cannot be said to be on the higher side and beyond the means and capacity of the petitioner.

Accordingly, the present petition stands dismissed.

28.02.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No