

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

**CRM-M-52356-2018
Decided on: 10.02.2020**

Upinder Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. U.K. Agnihotri, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Atul Jain, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J

The instant petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 25.09.2018 (Annexure P-7) passed by Additional Sessions Judge, Amritsar, whereby the revision petition filed by the petitioner was dismissed vide which he had impugned the order dated 22.03.2018 (Annexure P-6) passed by JMIC, Amritsar whereby he had been directed to pay maintenance @ ₹4,000/- per month to his wife-respondent No.2.

2. It was submitted that the amount of maintenance in the sum of ₹4,000/- assessed to be paid to respondent No.2-wife was exorbitant and beyond the means and capacity of the petitioner since he was about 79 years of age and surviving only on a meagre pension of ₹1,000/- per month, which he was drawing from Employees' Provident Fund Organization, Amritsar.

3. It was also submitted that the petitioner had 3 acres of ancestral agricultural land which he was unable to cultivate due to his old age and had thus been leased out from which he was getting just ₹60,000/- as lease money per annum. Hence, he was not in a position to pay the maintenance @ 4,000/- per month to respondent No.2-wife.

4. Vide order dated 28.11.2018, this Court had issued notice of motion in the following terms:-

“ *Heard.*

Notice of motion for 14.02.2019, only for the limited purposes for making efforts of reconciliation keeping in view the fact that both the parties to this petition, are married to each other and are senior citizens.”

5. The matter thereafter was referred to Meditation and Conciliation Centre of this Court vide order dated 18.09.2019 passed by this Court. However, the parties failed to arrive at any amicable settlement. As a result of which, the matter was sent back to this Court on 09.01.2020 by the Mediator.

6. I have heard learned counsel for the parties and perused the paper book.

7. In view of the limited purpose as observed in the order dated 28.11.2018, no ground is made out to interfere in the impugned order. An amount of ₹4,000/- which has been assessed to be paid to respondent No.2-wife cannot be by any stretch of imagination be said to be exorbitant and beyond the capacity of the petitioner.

8. Therefore, in my opinion, there is no illegality or perversity in the order passed by the trial court.

9. Consequently, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

10.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No