

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

1.

**CRR(F)-24-2014 (O&M)
Dated: 27.02.2020**

Dharmender

... Petitioner

Versus

Smt. Santosh Devi and another

... Respondents

2.

CRR(F)-86-2014 (O&M)

Smt. Santosh Devi and another

... Petitioners

Versus

Dharmender

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Navneet Singh, Advocate
for the petitioner(s) (in CRR(F)-24-2014),
for the respondent(s) (in CRR(F)-86-2014).

Mr. Vikas Lochab, Advocate
for the petitioner(s) (in CRR(F)-86-2014),
for the respondent(s) (in CRR(F)-24-2014).

MANJARI NEHRU KAUL, J.

This order shall dispose of CRR(F)-24-2014 and CRR(F)-86-2014, as the parties have impugned the same order dated 02.12.2013, passed by the learned District Judge, Family Court, Sonipat (hereinafter referred to as 'the learned Court below'), whereby, the learned Court below has granted interim maintenance in the sum of ₹ 2500/- each to the wife and son of the Dharmender. However, the facts are being extracted from CRR(F)-24-2014.

The first revision petition [CRR(F)-24-2014] has been preferred against the judgment dated 02.12.2013, passed by the learned Court below, vide which the petition, which was filed under Section 127 Cr.P.C. by Smt.

Santosh Devi and Rohit (wife and son of Dharmender), for enhancement of

maintenance was allowed and the petitioner-husband/Dharmender was directed to pay maintenance of ₹ 2500/- per month to each of the respondents i.e. Santosh Devi and Rohit, from the date of the order.

The second revision petition [CRR(F)-86-2014] has been preferred against the judgment dated 02.12.2013, for enhancement of the maintenance awarded by the learned Court below to Smt. Santosh Devi and Rohit (wife and son of Dharmender).

It was urged by the learned counsel for the husband that the marriage between the parties was solemnized on 22nd November, 1999 and a son namely Rohit was born out of the said wedlock. As the marriage between parties ran into rough weather, it was dissolved by a decree of divorce dated 20.11.2016, *qua* which an appeal had been preferred before this Court, and was still pending adjudication. It was urged that while passing the impugned order, the learned Court below erred in holding that the amount of interim maintenance deserved to be enhanced @ Rs. 2500/- p.m. each towards both the respondents on account of the rising prices of essential commodities.

Learned counsel for the respondents on the other hand have sought enhancement of the interim maintenance by urging that respondent No.1 had no independent source of income and she had been living in her parental house along with her son (respondent No.2 – Rohit). It was vehemently urged that it was due to the circumstances created by the petitioner-husband/Dharmender himself that she along with her son had been left with no other choice but to live at the mercy of her parental family despite the fact that the husband was earning a handsome amount of money. Hence, it was his duty to maintain her as well as their son.

I have heard learned counsel for the parties and gone through the impugned judgment as well as other material on record.

This Court has no hesitation in holding that the amount of interim maintenance awarded by the learned Court below @ ₹ 2500/- each per month towards the respondents, does not call for any interference. The husband (Dharmender) is an able bodied person and it is his moral obligation and duty to maintain not only his wife but also his son. Since the wife is not a gainfully employed, it becomes incumbent upon the husband to pay for his son i.e. respondent No.2 – Rohit. The husband cannot be permitted to shirk from his responsibility and duty as a husband & father, and leave the respondents particularly respondent No.2 (son) to the mercy of his wife's family. The amount so enhanced by the learned Court below cannot by any stretch of imagination be said to be exorbitant in today's time.

At the same time, the prayer of the respondents (wife and son) for enhancement of amount of interim maintenance is also devoid of any merit, as they have not been able to substantiate the factum of the petitioner-husband earning a handsome income by way of any evidence.

Hence, in the light of above discussion, no interference is warranted in the impugned judgment, as the same is a well reasoned one. Accordingly, the present revision petition(s) stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 27, 2020
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No