

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR (F) No.411 of 2018

Date of decision:19.02.2020

Surender

...Petitioner

Versus

Pooja and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None.

JAISHREE THAKUR, J. (ORAL)

The petitioner herein seeks to challenge the order as passed by the District Judge, Family Court, Sonipat whereby a sum of ₹3000/- has been awarded as maintenance towards the minor child under Section 125 Cr.P.C.

The admitted case between the parties is that respondent No.1, Pooja had filed a petition under Section 125 Cr.P.C. claiming to be the legally wedded wife of the petitioner herein, as marriage was solemnized as per Hindu rites and ceremonies at Sonipat on 28.03.2012. In the complaint, it was alleged that the husband and his family members were not happy with the dowry articles and she was subjected to beatings. Resultantly, she came back to her parents home. As she was residing with her parents and did not have any source of income to maintain herself and the minor daughter, she filed a petition under Section 125 Cr.P.C claiming maintenance.

The petition was contested and the petitioner herein denied the factum of legal marriage with respondent No.1 while contending that the

complainant had not taken divorce from her first husband and therefore, he was not liable to maintain her. The Family Court came to the conclusion that Pooja was not the legally wedded wife of the petitioner herein as she had performed the second marriage without obtaining divorce from any court of law but came to hold that minor child born on 18.01.2013 would be entitled to maintenance. The quantum of maintenance payable towards the minor was ₹3000/- per month from the date of filing of the petition. Aggrieved against the said order, the instant revision petition has been filed.

No one has put in appearance to address arguments today. Same was the position on the earlier occasion. Be that as it may, the Family Court while deciding the quantum of maintenance qua minor child has taken into consideration the argument raised that there was no authentic proof regarding income of the petitioner as well as ownership of the agricultural land, however, has treated him to be a labourer. Since there is no evidence available on the record, it can safely be presumed that the petitioner is capable of earning a minimum of ₹12,000/- per month as daily wager and therefore, in case the maintenance has been fixed at ₹3000/- per month for the minor child, this Court finds no infirmity in the order passed by the Family Court.

No ground for interference is made out. Dismissed.

(JAISHREE THAKUR)
JUDGE

February 19, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No