

**234 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRR(F)-121-2016
Date of Decision:13.02.2020

BHUPINDER KUMAR BHANDORIA Petitioner

Versus

POONAM & ORS Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

* * * * *

Present: Mr.R.K.Narang, Advocate for the petitioner.
Mr.Davinder Pal Soni, Advocate for respondents

JAISHREE THAKUR, J.(ORAL)

1. This petition has been filed seeking to challenge the order dated 01.02.2016 whereby the District Judge Family Court, Rohtak has allowed maintenance to the two minor children at the rate of Rs.6000/- each from the date of the petition.
2. In brief, the facts of the case are that marriage was solemnized between the petitioner Bhupinder Kumar Bhandoria and Smt.Poonam respondent No.1 on 30.01.2005 as per Hindu rights and ceremonies. Out of this wedlock, two children namely Saksham and Vaibhav have born. On account of various disputes that arose between the parties to the marriage it appears that they started residing separately. Smt.Poonam filed various cases under the Protection of Women from Domestic Violence Act and also under Section 9 of Hindu Marriage Act for restitution of conjugal, rights apart from filing the petition under Section 125 Cr.P.C. claiming maintenance for herself and the minor children.

3. The Family Court after going through the evidence on the record disallowed maintenance to the wife on the ground that she had not approached the Court with clean hands and had concealed material facts from the Court, however, held that the minor children were the responsibility of the petitioner and, therefore, fixed maintenance payable @ Rs.6000/- per month to each of the two boys from the date of the application.

4. Learned counsel appearing on behalf of the petitioner assails the judgement on the ground that the maintenance has been fixed on the higher side considering the fact that his take home salary is only around Rs.22,000/- per month apart from contending that he is suffering from diabetes and needs constant care and attention. It is also argued that the Family Court has erred in allowing the petition by holding the petitioner liable to pay the maintenance from the date of the application.

5. *Per contra* learned counsel appearing on behalf of the respondents would contend that there is no infirmity with the order so passed.

6. I have heard the learned counsel for the parties and have also perused the impugned judgement as passed by the Family Court and finds that there is no infirmity in the same.

7. Admittedly, by the impugned judgement the Family Court has not held the wife entitled to any maintenance which order has been challenged independently by the wife. The only question that needs to be addressed in the petition is whether the Family Court has erred in allowing the maintenance @ Rs.6000/- per month to each of the boys.

The document as available on the record, which is Ex.P-5, would reveal that the gross salary of the petitioner herein was Rs.55,396/- as in the year 2015 out of which he is getting a sum of Rs.20,000/- deducted towards his GPF account which would be his saving. However, it cannot be lost sight of that it is the legal duty and an obligation cast upon the petitioner to maintain his sons being the father. Admittedly, both the boys are residing with the mother and would require sustenance for their education and well being. Being a Government servant as he is employed with the office of the Principal Accountant General Audit, Delhi, the petitioner would also have been entitled to the benefits of enhanced salary by virtue of 7th Pay Commission which came into effect on 01.01.2016.

8. Consequently, findings no infirmity to the impugned, this petition is dismissed.

(JAISHREE THAKUR)
JUDGE

13.02.2020
raman

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No