

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

Crl. Revision (F) No. 4 of 2020 (O&M)
Date of Decision: 17.2.2020

Ajay Kumar

...Petitioner

Versus

Adesh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Digvijay Singh, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks to challenge the order dated 18.10.2019 passed by the Principal Judge, Family Court, Rewari, whereby interim maintenance has been allowed to the respondent, who is a minor, from his father, the petitioner herein.

In brief, the facts are that the respondent filed a petition under Section 125 of the Code of Criminal Procedure stating that he was born on 27.1.2007 out of the wedlock of his father Ajay Kumar—petitioner herein and his mother Meena @ Meenu. His parents got divorce on 25.7.2017 and none of his parents was maintaining him. In fact, he was being maintained by his maternal grand father, who is 61 years old and that he is studying in 6th class in Raj International School. The respondent sought maintenance from the petitioner by stating that he is serving in the CRPF and drawing salary of ₹45,000/- per month. The petition was contested and taking into consideration the fact that the minor had to be maintained, interim maintenance was allowed at the rate of ₹5,000/- per month, which is being

challenged in the instant revision.

Learned counsel appearing on behalf of the petitioner herein contends that the petitioner is ready to take over the custody and the responsibility of the minor child and therefore, he would pay school fee directly to the school where the respondent is studying.

I have heard learned counsel for the petitioner and have also perused the order under challenge and find no infirmity in the same.

It is an admitted fact that the petitioner herein is not maintaining the minor child who is residing with his maternal grand father. In case the petitioner herein is really willing to look after the welfare of the minor child, he always has the remedy of pursuing the custody petition already filed by him and in case custody is allowed to him, he could very well take care of the minor child, but till such time the custody is not given to him and the respondent is residing with his maternal grand father, it is the bounden duty of the petitioner herein to maintain his child and ensure that he has the resources for proper education and daily needs. In any case, the impugned order is pertaining to only interim maintenance and final maintenance is yet to be settled. The interim maintenance awarded by the court below is not on the higher side.

For the reasons stated above, I do not find any ground to interfere with the impugned order. Dismissed.

(JAISHREE THAKUR)
JUDGE

17.2.2020
prem

Whether speaking/reasoned
Whether reportable

Yes
No