

111.

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

CRR(F)-1041-2019 (O&M)

Date of decision: 11.02.2020.

VARINDER KUMAR

.... Petitioner

versus

KIRTIKA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anuj Balian, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

CRM-38839-2019

Prayer in this application filed under Section 5 of Limitation Act read with Section 482 Cr.P.C. is for condonation of delay of 20 days in filing the present revision petition.

For the reasons stated in the application, same is allowed and the delay of 20 days in filing the revision petition is condoned.

CRR(F)-1041-2019

Petitioner has filed the present revision petition impugning the judgment dated 08.08.2019 passed by the learned Principal Judge, Family Court, Panchkula whereby on a petition filed by the respondent-minor daughter Kirtika, the learned Family Court has directed the petitioner to pay her the maintenance @ Rs.6,000/- per month from the date of filing of the petition.

Learned counsel for the petitioner has argued that the wife of the petitioner i.e. Mrs. Shallu Rani, is working with the Electricity Board and drawing salary @ Rs.32,000/- per month. No doubt Kirtika is born from the wedlock of the parties and she is studying in 9th class, her school fee comes to Rs.1,650/-, whereas Rs.650/- is towards transportation charges. Therefore, the awarded maintenance is on higher side in the background of the income of the petitioner. The petitioner is otherwise ready to take the custody of the minor daughter, but the respondent is not agreeing to give the custody of the daughter of the petitioner.

I have heard learned counsel for the petitioner.

The argument of counsel for the petitioner that the wife of the petitioner i.e. Mrs. Shallu Rani is working and drawing Rs.32,000/- per month, the awarded maintenance to the daughter of the petitioner is on higher side, cannot be accepted. Merely because the wife is working is no ground to deny maintenance to the daughter, more particularly, when the mother is otherwise required to take extraordinary efforts so as to maintain her daughter. The school fees or the transportation charges are not the only expenses which are otherwise incurred on a child. The child, in question, being in 9th class, it is but presumed that enough expenses are incurred on her study, tuition, coaching, transportation, dress and other like expenses. In fact, a mother, who has custody of a child not only spends money while upbringing the child, but at the same time she is required to spend substantial time and effort in bringing up the child. Her mobility is completely restricted so as to take care of her daughter. One cannot assess the contribution of the mother in terms of money in upbringing the child. A

child not only requires money for her upbringing but a lot of time, attention and effort is required in her upbringing.

Even otherwise from the record it is revealed that the petitioner is running a school under the name and style of Vikas Model School at Manimajra. The argument of counsel for the petitioner that the school is being maintained by his parents and the school is not affiliated on any board, is not relevant so as to interfere in the amount of maintenance so awarded.

Accordingly, the present petition is dismissed.

(HARI PAL VERMA)
JUDGE

11.02.2020
sanjeev

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