

Manjit Singh

.....Petitioner

versus

Asha Devi

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rishi Lal, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

This revision petition has been filed by the husband challenging order dated 06.03.2020 passed by the Family Court, Hisar awarding maintenance of Rs. 5000/- per month as well as litigation expenses of Rs. 11,000/- in an application filed under Section 24 of the Hindu Marriage Act, 1955.

A perusal of the aforementioned order shows that the same has been passed by keeping in view the fact that the petitioner is an able bodied person and can be expected to earn sufficiently. The claim of the respondent-wife that he was earning Rs. 50,000/- per month by doing agricultural work as well as dairy farming has not been accepted.

Learned counsel for the petitioner submits that the petitioner is a very poor person and does not have any means to pay the maintenance awarded. The respondent-wife is able bodied person who does tailoring and stitching work and is earning handsomely therefrom, thus, the impugned order is illegal and perverse and deserves to be set aside.

The oral submission that the respondent-wife is earning handsomely from doing tailoring and stitching work can not be accepted. No evidence was

placed on record in support of this plea and, thus, the same is rejected. Even if the petitioner is not possessed of sufficient means, he is bound in law to maintain his wife and child and Rs. 5000/- per month is not an excessive amount. The same is barely enough to sustain oneself. Thus, I do not find any infirmity or error in the impugned order.

The revision petition has no merit and is dismissed.

April 23, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No