

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

CRR-94-2021(O&M)

Date of decision:-9.4.2021

Mr.Gurpreet Singh

...Petitioner

Versus

Smt.Manjinder Kaur and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sourabh Bindra, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Applicant Manjinder Kaur – wife of Gurpreet Singh had brought an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against her husband Gurpreet Singh and his family members. Chief Judicial Magistrate, Kapurthala vide order dated 7.12.2018 granted interim maintenance to applicant Manjinder Kaur @ Rs.5,000/- per month and to minor daughter of the parties, namely, Savreen Kaur @ Rs.3,000/- per month. For ready reference, the operative part of the order is being reproduced as under:

6. *The factum of marriage of petitioner with the respondent is concerned the same has not been denied by the*

respondent in his reply filed to the application. Birth of minor Savreen Kaur is also admitted by the respondent. No doubt it has been asserted by respondent in his reply that petitioner herself is guilty of cruelty towards respondent. Therefore, petitioner is not entitled to any maintenance. However, respective pleadings of the parties are yet to be proved by the parties during the trial by leading cogent convincing evidence. Since, it is admitted fact that petitioner is legally wedded wife of respondent and Savreen Kaur is minor daughter of respondent, therefore, respondent is legally and morally liable to maintain the petitioner. Therefore, it can be reasonably observed that petitioner is entitled to get maintenance allowance from respondent. Petitioner has asserted that respondent is earning Rs.50,000/- per month but she has not brought on record any proof of income. Respondent has asserted that earlier he was earning Rs.7,500/- but today he is not doing any job, but he has nowhere stated that he is unable to earn his livelihood.

7. *Thus, keeping in view the social strata to which the parties belong and being alive to the sky rocketing prices of basic amenities including clothing, medical expenses and other unforeseen expenditures; monthly maintenance of Rs.5,000/- for petitioner and Rs.3,000/- for the minor daughter Savreen Kaur could be considered to be the bare minimum which respondent No.1 should pay in order to meet out all the aforesaid expenses. Therefore, respondent No.1 is directed to pay monthly maintenance to the tune of Rs.5,000/- for the petitioner and Rs.3,000/- for the*

minor daughter Savreen Kaur, from the date of application.

Feeling aggrieved, respondent – husband had filed an appeal before the Court of Sessions at Kapurthala, which was however, dismissed by learned Sessions Judge, Kapurthala vide order dated 6.1.2020. Para No.8 of that order is quite relevant, which for ready reference is being reproduced as under:

8. *In the instant case, the Ld. Counsel for the appellant has referred to cross- examination of Karam Singh PW2, who is none else but father of the petitioner, who has stated in his cross-examination that it is correct that Gurpreet Singh got injured at Jalandhar and he remained admitted in Jalandhar Hospital and he registered an FIR there regarding his beating. The said FIR is against his son namely Sarabjit Singh and his brother-in-law namely Rana and Sabi. It is correct that Gurpreet Singh got injuries on his hand and other bodies. He has also further referred to some lines of cross- examination that the husband of Kamaljit Kaur is at Canada. Earlier Gurpreet Singh used to work at Jalandhar. They arranged the said job for Gurpreet Singh with some electronic parts factory, but he did not remember the name of the owner of the factory. It is correct that due to the injuries sustained by Gurpreet Singh, he became absented from the job. As such, he cannot be held liable for making any payment as held by the Ld. Lower Court, which may be reduced. Ld. Lower Court has considered all the facts and circumstances of this case as well as income of the appellant while awarding interim maintenance to the*

respondent/ petitioner. Accordingly, the said Order has been passed by the Ld. Lower court perfectly in accordance with law and the same does not call for any interference of this Appellate Court. This appeal being devoid of any merit, deserves dismissal.

Feeling dissatisfied with the orders passed by the Courts below, respondent – husband – Gurpreet Singh has filed the instant revision petition, praying that the orders passed by such Courts be set aside.

I have heard learned counsel for the petitioner besides going through the record.

The applicant – Smt.Manjinder Kaur (herein respondent No.1) has rightly been granted interim maintenance @ Rs.5,000/- per month and minor daughter of the parties namely Savreen Kaur @ Rs.3,000/- per month considering all the facts and circumstances including moral duty and legal liability of the present revisionist to maintain his legally wedded wife and their minor daughter, who are unable to maintain themselves. Petitioner being an able bodied young man stated to be working as a Kirtania (Singer of Sikh religious hymns)/Granthi having gone to Canada twice and statedly having been given Hyundai Eon Car and other valuable articles in dowry; his earning capacity of income was properly assessed while granting such maintenance.

The impugned orders passed by the Courts below are detailed and well reasoned. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an

illegality or infirmity apparent on the face of the orders passed by a Courts below or the same are perverse and not otherwise. The impugned orders do not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. There is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

Finding no merit in the revision petition, the same stands dismissed.

9.4.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : **Yes/No**

Whether reportable : **Yes/No**