

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

CRR(F)-49-2021(O&M)
Date of decision:-18.2.2021

Hardeep Singh

...Petitioner

Versus

Pritpal Kaur

...Respondent

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

Present: Mr.R.S. Sidhu, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Feeling aggrieved by order dated 27.1.2021 passed by Principal Judge, Family Court, Sirsa(Camp at Dabwali) granting interim maintenance @ Rs.5,000/- per month to his wife Pritpal Kaur in proceedings under Section 125 Cr.P.C., Hardeep Singh – respondent in that petition has brought the instant revision petition praying that the order in question be set aside/modified by way of acceptance of the revision petition.

I have heard learned counsel for the revisionist besides going through the record and I find that there is no merit in the revision petition.

The operative part of the impugned order is contained in paras No.3 and 4 of the said order, which for ready reference are being reproduced as under:

3. *No doubt there are counter allegations against each other and both the parties are trying to make the other party responsible for disturbing the matrimonial life but in this application only one thing is to be seen as to whether the petitioner is unable to maintain herself and she is having any sufficient means of income. The allegations and counter allegations of the parties are yet to be proved by considering the evidence which is to be produced by the parties.*

4. *The petitioner submitted that she has no source of income to maintain herself. She did not know any art of earning. On the other hand, respondent and his father is having 15 acres Nehri Land and their income from the land is Rs.7-8 lacs per annum. Besides this respondent is running a shop and is earning Rs.30-40 thousands per month. The respondent submitted that petitioner knew work of beauty parlour, sewing and knitting. She is earning Rs.18,000/- per month. Both the parties did not adduce any document to prove income of each other. Hence, in the considered view of this Court, the respondent being husband is legally bound to maintain and provide basic amenities to petitioner. In his affidavit of assets and liabilities, respondent himself admitted that he is having only 69 marlas of land. In the column of 'Income generated during past three years from the land, he admitted that*

same as Rs. One Lac. Hence, in these circumstances, this application of the petitioner succeeds and the same is hereby partly allowed with the direction to respondent to pay interim maintenance allowance at the rate of Rs.5,000/- per month to petitioner from the date of filing the application, i.e. 18.7.2019. Besides this amount, the respondent would also pay lump sum amount of Rs.3,500/- as litigation expenses.

A perusal of the impugned order goes to show that the amount awarded as maintenance to applicant/wife Pritpal Kaur @ Rs.5,000/- per month is not on the higher side keeping in view the trend of rising prices of things of even basic needs, in light of probable income of the revisionist/husband and economic status of the parties.

Thus no ground is there to either dismiss the application or reduce the amount of interim maintenance by way of acceptance of the revision petition.

I find that the impugned order is 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 order passed by a Court below or the same is perverse but not otherwise. The impugned order does not appear to be suffering from any illegality or infirmity much less apparent on the face thereof. The order is certainly not perverse or passed in an arbitrary manner. There is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

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

18.2.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No