

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR(F)-56-2021 (O&M)
Date of Decision:- 9.4.2021

Neeraj ... Petitioner

Versus

Arti and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Gaur, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 23.1.2020 vide which the Principal Judge, Family Court, Rohtak, has awarded interim maintenance to the petitioner's wife @ ₹5000/- and to his child @ ₹3000/- per month during the pendency of the petition under Section 125 Cr.P.C.
2. Learned counsel for the petitioner submits that he does not have any income and he is unable to pay the aforesaid maintenance to his wife who has herself left the company of the petitioner and has deserted him. Learned counsel has further submitted that the petitioner has already filed a petition under Section 9 of Hindu Marriage Act seeking restitution of conjugal rights which is still pending. Learned counsel in order to hammer forth his aforesaid submission places

reliance upon a judgment of this Court recorded as 2016(1) RCR (Criminal) 612 titled as Poonam Vs. Mahender Kumar.

3. I have considered aforesaid submissions addressed before this Court.
4. The marriage of the parties is not in dispute. It is also not disputed that the marriage of the parties was solemnized on 28.4.2017 and that the petitioner is a young able bodied person. In these circumstances, it can very safely be expected that the petitioner would be earning anything between 15-20 thousand per month. The contention of the petitioner that his wife has herself left her company and has deserted him cannot be accepted at this stage as there is no evidence to this effect. The cited judgment is of no advantage to the petitioner as in the cited case there was a definite finding that the wife had deserted the petitioner. The amount as awarded by the trial Court as interim maintenance i.e. ₹5000/- to the petitioner's wife and @ ₹3000/- per month to his minor child cannot be said to be on higher side.
5. There is no merit in the revision petition and the same is hereby dismissed.

9.4.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No