

CRM-M-43973-2020 (O&M)

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

**CRM-M-43973-2020 (O&M).
Decided on: February 11, 2021.**

Manoj Rohila

.. Petitioner

VERSUS

Aman and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Lekh Raj Sharma, Advocate,
for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

Through video conference

The present petition has been filed under Section 482 of the Code of Criminal Procedure, with a prayer for quashing the impugned order dated 14.9.2018 (Annexure P-3), passed by the learned Judicial Magistrate First Class, Jind, as well as order judgment dated 6.1.2020 (Annexure P-4) passed by the Additional Sessions Judge, Jind, in criminal revision petition.

The learned counsel for the petitioner has submitted that

CRM-M-43973-2020 (O&M)

a petition under Section 125 Cr.P.C. was filed by the children of the petitioner namely Aman aged 11 years and Nitika aged 12 years through their mother Neelam who is stated to have taken divorce from the petitioner. The learned Judicial Magistrate First Class, Jind, had fixed the maintenance @ Rs.10,000/- per month i.e. Rs.5,000/- per month for each child of the petitioner. Thereafter, revision petitions were preferred by the children of the petitioner as well as by the petitioner and the learned Additional Sessions Judge, Jind, vide order dated 6.1.2020 (Annexure P-4), dismissed both the petitions.

The learned counsel for the petitioner has submitted that maintenance for the minor children @ Rs.5,000/- per month is excessive in view of the fact that the petitioner will not be able to sustain himself for his livelihood particularly in view of the fact that the petitioner is now married having a wife, a son and his mother also. He has submitted that earlier wife of the petitioner who is mother of the children is also working and therefore, learned counsel has prayed for reduction of the amount which has been fixed by the Courts below.

I have heard the learned counsel for the petitioner.

The marriage between the petitioner and Neelam Rani, mother of the minor children who had filed petition under Section 125 Cr.P.C. is not in dispute. It is also not disputed that Aman and Nitika are the minor children of the petitioner. The petitioner has a statutory obligation to maintain his own children who are minor. So far as present case is concerned, the maintenance has been fixed by the learned trial Court only to

CRM-M-43973-2020 (O&M)

the extent of Rs.5,000/- per month for each child. In today's time, Rs.5,000/- per month cannot be said to be excessive by any stretch of imagination. The plea of the petitioner that he is now remarried and has a son, wife and mother to maintain cannot become a ground to wriggle out of the statutory liability. The plea of the petitioner that his earlier wife is working also cannot become a ground for reduction of the maintenance which has been fixed by the learned Courts below although this Court is not going into the factum as to whether his earlier wife is working or not.

In view of above, no ground is made out to interfere in the impugned orders passed by the learned Courts below. The amount of Rs.5,000/- per month for each child cannot be termed as excessive. Consequently, the present petition is dismissed.

February 11, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No