

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

CRR(F)-74-2021(O&M)
Date of decision:-2.3.2021

Pankaj Sharma

...Petitioner

Versus

Smt.Richa Sharma and another

...Respondents

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

Present: Mr.Amardeep Hooda, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Smt.Richa Sharma, aged about 21 years – wife and Baby Yogita minor daughter of Pankaj Sharma (present petitioner) had brought a petition under Section 125 Cr.P.C. for grant of maintenance against Pankaj Sharma pleading that they are residing separately on account of harassment and maltreatment of Richa Sharma by Pankaj Sharma and his family members in connection with demand of dowry; Richa Sharma while being in the family way was turned out of the matrimonial home by Pankaj Sharma and his family members after giving beatings to her and she had no other place to go except the house of her parents where she is

putting up; she had given birth to a girl namely Baby Yogita on 18.12.2017 but neither respondent (here petitioner) nor his family members came to see the mother and the child, rather respondent has refused to rehabilitate his wife and daughter and to maintain them. According to petitioner – Richa Sharma (here respondent No.1), petitioner is working as Lecturer in PDM College, Karsindhu and getting salary of Rs.40,000/- per month; he has got moveable and immovable properties, whereas she do not have any source of income. They asked for grant of Rs.20,000/- per month as maintenance along with Rs.11,000/- as litigation expenses.

On getting notice, respondent (petitioner here) put in appearance in the Court and filed written reply denying the allegations levelled in the petition and rather stating that Richa Sharma herself is a quarrelsome woman, who used to pick up quarrels with respondent and his family members over petty matters. Respondent denied any harassment or maltreatment of Richa Sharma by him or his family members or they raising any demand of dowry. He denied that he is working as a Lecturer in PDM College, Karsindhu or getting salary of Rs.40,000/- per month, rather he claims that he is unemployed. On the other hand, the petitioner Richa Sharma is doing tuition work and earning Rs.20,000/- per month. He craves for dismissal of the petition.

The petitioners before the trial Court had asked for grant of interim maintenance, which prayer was ultimately allowed by Principal Judge, Family Court, Rohtak vide impugned order dated 17.3.2020. Such order left the respondent aggrieved and he has filed the instant revision

petition praying that the same be accepted and the order under revision be set aside and application for grant of interim maintenance be dismissed.

I have heard learned counsel for the petitioner besides going through the records and I find that there absolutely no merit in the revision petition.

Here it would proper and appropriate to reproduce the operative part of the impugned order, which is contained in para No.5 of the said order and the same for ready reference is being reproduced as under:

5. *It may be pointed out here that the marriage between petitioner No.1 and respondent is admitted. The petitioner No.1 has raised allegation of harassment on account of demand of dowry by respondent. The said allegation has been denied by the respondent and it has been alleged that petitioner No.1 left the matrimonial house along with petitioner No.2 on her own without any fault on the part of respondent. These allegations and counter allegations are yet to be proved by leading evidence. But, at this stage, respondent being husband of petitioner No.1 and father of petitioner No.2 is duty bound to maintain them. The respondent has not been able to show any source of income of petitioner No.1. On the other hand, petitioners have alleged the respondent to be a lecturer in some college, but no document in this regard has been produced on file. Counsel for respondent argued that respondent is taking*

coaching for further studies and for competitive exams which means that respondent has source of income to spend on his coaching. In addition to this, there are certain documents showing deposits by respondent in some insurance policies which further suggests that respondent is having some source of income with which he is depositing money in the said policies. Respondent has also admitted in his affidavit that he is owner of half share of plot measuring 132 sq. yards which he got through gift deed. Respondent has not disclosed his source of income, but considering him to be able bodied he must be earning more than minimum wages. Therefore, he is directed to make payment of Rs.5,000/- per month to the petitioner No.1 and Rs.4,000/- per month to petitioner No.2, i.e. Rs.9,000/- per month from the date of filing of the petition. Accordingly, application stands allowed.

A perusal of the impugned order goes to show that it is speaking one and valid reasons for arriving at the conclusion have been given. The order does not suffer from any illegality or infirmity much less the same being arbitrary or against settled principles for grant of interim maintenance. The respondent is an able bodied person. Though he has denied that he is working as a Lecturer in some college and getting Rs.40,000/- per month as salary, rather claiming that he is unemployed but the fact remains that he is an able bodied person. Considering the facts and circumstances and also considering the probable earning capacity of

the respondent, maintenance amount of Rs.9,000/- had been granted. Such amount granted can certainly be not taken to be on 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. It is moral as well as legal responsibility of the revisionist/petitioner to maintain his legally wedded wife, unable to maintain herself as well as his minor daughter. The revisionist cannot escape that responsibility in any manner.

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.

2.3.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No