

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CRR(F)-159-2021

DATE OF DECISION:- 19.04.2021

ASHWANI KUMAR

...PETITIONER

VERSUS

RAJNI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Bhawna Grewal , Advocate
for the petitioner.

Ms. Rajni Devi, respondent in person.

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SUVIR SEHGAL, J.

The hearing of this petition has been taken up through Video Conferencing on account of outbreak of COVID-19 Pandemic.

Vide the instant revision petition filed under Section 401 of the Code of Criminal Procedure, 1973, the petitioner seeks setting aside of the impugned order dated 19.02.2021 passed by the Principal Judge, Family Court, Kurukshetra whereby application for grant of interim maintenance filed by the respondent under Section 125 of the Code has been partly accepted and the petitioner has been ordered to pay Rs.4,000/- per month from the date of the application.

Facts, in brief, are that the marriage between the petitioner and respondent took place at Kurukshetra on 28.09.2017, however no child was born from the wedlock. The respondent was harassed for dowry and after

being forced to leave the matrimonial home, she lodged FIR No.65 dated 08.09.2018 against the petitioner for offences under Sections 498-A, 506, 342, 323 and 406 of the Indian Penal Code, 1960. She filed a petition under Section 125 of the Code for grant of maintenance and sought a direction to the petitioner to pay her an interim maintenance of Rs.15,000/- per month besides litigation expenses of Rs.22,000/-. This application has been partly allowed by the Family Court, vide order impugned herein.

Counsel for the petitioner has contended that the respondent had left the matrimonial home on her accord and is living separately, therefore, she is not entitled to claim any maintenance from the petitioner. Counsel urges that the respondent is a student and is not earning anything, therefore, the impugned order directing the petitioner to pay an interim maintenance of Rs.4,000/- per month cannot be sustained. She has referred to the affidavit of assets, income and expenditure (Annexure P-2), filed by the respondent to contend that she is a graduate and is working, therefore, she is in a position to financially sustain herself.

I have considered the arguments raised by counsel for the petitioner.

The petitioner is a 31 years old able bodied person, who cannot shirk away from his responsibility of taking care of all the needs of his wife, even though, she is not staying with him and the relations between the two are strained. Even if the respondent is well educated and in a position to earn for herself, still it is the moral obligation of the petitioner to maintain

her. Though, there is no direct evidence on the record regarding the current income of the petitioner, it has come on the record that the petitioner was working as a Field Officer with JIO Mobile Company and was earning Rs.25,000/- per month. It is also apparent from the documents attached with the petition that the petitioner was working with a private limited company from where he was relieved, vide letter (Annexure P-1) w.e.f. 30.04.2019. It is a common practice amongst youngsters these days to repeatedly switch jobs for better monetary prospects. A reasonable presumption can be drawn that the petitioner must have been earning a monthly salary of more than Rs.25,000/-. In this background, the award of interim maintenance of Rs.4,000/- by the Family Court while assessing the monthly earning of the petitioner to be Rs.14965/-, i.e., the minimum wage of an unskilled labour as notified by the Deputy Commissioner, Kurukshetra, cannot be faulted with. The impugned order, therefore, is perfectly justified and does not call for any interference.

Finding no merit in the petition, it is ordered to be dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

19.04.2021
kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No