

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

(Heard through VC)

CRR(F) No.389 of 2021 (O&M)
Date of Decision: October 27, 2021

Nitesh Kumar

...Petitioner

Versus

Monika and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Rawat, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a criminal revision petition that has been filed by the petitioner herein seeking to challenge the order dated 14.09.2021 passed by the Principal Judge, Family Court Camp at Kanina whereby, interim maintenance to the tune of Rs.8000/- per month has been allowed to respondent No.2-minor child herein.

In brief, the facts are that a petition under Section 125 Cr.P.C. came to be filed by respondent No.1-Monika claiming maintenance for herself and her minor child, along with an application seeking interim maintenance. Respondent No.1-wife claimed that her marriage had been solemnized with the petitioner herein on 15.02.2015 in village Dhanonda, Tehsil Kanina, District Mohindergarh as per Hindu rites and ceremonies, out of which wedlock a female child was born. However, as the petitioner herein started harassing respondent No.1 herein for bringing inadequate

dowry and was turned out of her matrimonial home, a petition under Section 125 Cr.P.C. was filed by the respondents herein. The application for interim maintenance was contested and the Principal Judge, Family Court Camp at Kanina dismissed the claim of interim maintenance qua respondent No.1, as she was working as Nurse and earning Rs.12,000/- per month. However, the court allowed interim maintenance for a sum of Rs.8000/- per month from the date of filing of the application to the minor child. While disposing of the said application for interim maintenance, the court below has made a clear observation that any amount of interim maintenance awarded was adjustable with any other amount awarded as maintenance to respondent No.2 minor child in any other petition.

Learned counsel for the petitioner would contend that it is the moral responsibility of both the parents to look after the upbringing and welfare of the minor child, whereas the petitioner has been fastened with the entire liability to do so. It is contended that respondent No.1-wife is working as Nurse and earning Rs.12,000/- per month, as observed by the court below and, therefore, she too would be responsible for the upbringing and welfare of the minor daughter. It is also prayed that the matter be sent to the Mediation and Conciliation Centre of this Court for one time settlement.

I have heard learned counsel for the petitioner and have also gone through the pleadings of the case.

Admittedly, it is the responsibility of both the parents to bring up the minor child and look after the welfare of the minor child, both emotionally and financially. In the instant case, it has come on record, as

noticed by the court below, that respondent No.1 wife is earning a sum of Rs.12,000/- per month as Nurse and, therefore, has been declined interim maintenance, while awarding a sum of Rs.8000/- per month to the minor child as interim maintenance. Respondent No.2-minor child is residing with her mother (respondent No.1 herein), who is providing the roof and other essentials to the minor, out of her meager monthly earning of Rs.12,000/- whereas, as per the salary statement of the petitioner herein, his salary is Rs.36,953/- per month. Therefore, this court is not inclined to interfere with the impugned order. Needless to say, at the time of final adjudication of the application under Section 125 Cr.P.C., any payment made would be automatically adjustable.

As far as plea of referring the matter to the Mediation and Conciliation Centre of this Court for one time settlement is concerned, the petitioner herein is at liberty to approach the court below with the same request and on doing so, the court below will take appropriate decision on the said application.

The instant criminal revision stands disposed of accordingly.

October 27, 2021

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No