

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR (F)-404-2021

Date of Decision: November 02, 2021

Rajesh Kumar

... Petitioner

Versus

Saroj Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Singh Sangwan, Advocate,
for the petitioner.

Vivek Puri, J.

The petitioner has challenged the legality and validity of the impugned order dated 21.09.2021 passed by the learned Principal Judge, Family Court, Hisar vide which interim maintenance to the tune of Rs.20,000/- has been awarded to the respondents.

Briefly, the respondents have instituted an application under Section 125 Cr.P.C. and in the said proceedings, they have asserted their claim for interim maintenance. The allegation of the respondents is to the effect that the respondents have been residing separate from the petitioner. Respondent no.1 is also having the responsibility of two minor daughters

and does not have any independent source of income. The petitioner is an employee of BSF and earning Rs.47,332/- per month.

The petitioner has admitted the fact of marriage and the birth of the minor daughters. He has also not disputed the fact of his employment in BSF. However, it has been alleged that respondent no.1 is a skilled lady having qualification from ITI.

I have heard learned counsel for the petitioner.

It has been contended by the learned counsel for the petitioner that he is working as a constable in BSF and his monthly salary is Rs.40,000/- only. The parents of the petitioner are also dependent upon him and the interim maintenance on higher side was awarded in favour of the respondents.

The fact of marriage between the petitioner and respondent no.1 and the birth of the minor children i.e. respondents no.2 and 3 from the wedlock has not been disputed. Unfortunately, the matrimonial dispute has cropped up between the parties and they are residing separate from each other. The respondents have instituted an application under Section 125 Cr.P.C. for enforcement of their claim for maintenance and during the course of the proceedings, interim maintenance has been awarded.

In the present proceedings, the adequacy of the interim maintenance as awarded in terms of the impugned order dated 21.09.2021 has to be adjudicated. It has not been disputed that the petitioner is working as a constable in BSF. The argument as sought to be put-forth on behalf of

the petitioner to the effect that his salary is to the tune of Rs.40,000/- per month cannot be accepted. In the reply submitted to the application under Section 125 Cr.P.C. for grant of interim maintenance, it has been specifically and categorically admitted by the petitioner that he is getting a salary of Rs.47,332/- per month. Even if the parents of the petitioner are dependent upon him, it will not absolve him of his liability to maintain his wife and the minor children who are aged about 2-1/4 years and 11 months at the time of institution of the application under Section 125 Cr.P.C.. The wife and minor children of the petitioner are entitled to the reasonable standards of living which are commensurate with the income and status of the petitioner.

In such circumstances, the amount of interim maintenance as awarded in terms of the impugned order dated 21.09.2021 cannot be termed to be excessive or not commensurate with the income of the petitioner.

As such, the impugned order dated 21.09.2021 does not suffer from any illegality or irregularity, which may warrant any interference by this Court.

Accordingly, present petition is dismissed.

November 02, 2021
vkd

(Vivek Puri)
Judge

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No