

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

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**CRR(F) No.473 of 2021 (O&M)
Date of decision:01.12.2021**

Parikshit Phogat

... Petitioner

Vs.

Asha and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanklap, Advocate for
Mr. Saurabh Dalal, Advocate
for the petitioner.

SUVIR SEHGAL J.

CRM-40496-2021

Application is allowed, as prayed for.

CRR(F) No.473 of 2021

Instant revision petition has been filed under Section 401 of the Code of Criminal Procedure impugning the order dated 27.10.2021 passed by the Additional Principal Judge, Family Court, Panipat, whereby, the respondents, who are the wife and two minor children of the petitioner, have been awarded interim maintenance of Rs.9,000/- per month in proceedings under Section 125 of the Code of Criminal Procedure, 1973.

Facts, in brief, are that respondent No.1 was married to the petitioner on 08.12.2012 and two children, respondents No.2 and 3 respectively, were born out of the wedlock. As per the allegations of respondent No.1, petitioner and his family members have been maltreating

and harassing respondent No.1 for dowry, besides repeatedly physically assaulting her. They turned her out of the matrimonial home, after snatching both the children and threatened that she will be killed, in case she came back without fulfilling their demands. Respondent No.1 started residing with her parents and despite repeated attempts, the petitioner did not rehabilitate her. Respondent No.1 being totally dependent on her parents for her day-to-day living expenses, approached the Family Court by filing a petition under Section 125, Cr.P.C. for grant of maintenance. The custody of both the children was also handed over to her and, therefore, on her application, they have been impleaded as claimants, vide order dated 26.03.2021 (Annexure P-3). The petition has been contested by the husband-petitioner, wherein, he has denied the allegations of harassment and cruelty and has taken a stand that respondent No.1 is in a position to take care of herself and she is working under the Saksham Yojna Scheme of the Government and getting a salary of Rs.6,000/- per month. By virtue of the order impugned herein, the Family Court awarded Rs.4,000/- per month to the wife-respondent No.1 and Rs.2,000/- each to both of the children, respondents no. 2 and 3 as interim maintenance allowance from the date of filing of the application.

Counsel for the petitioner has been heard.

It is an admitted case of the petitioner that he is a graduate, working in a private company and earning a salary of Rs.31,500/- per month. He has also made some investments in LIC policies. On the other hand, it is apparent from the affidavit filed by the wife-respondent No.1 that

she does not have any job and is not earning any income and is totally dependent upon her parents and the custody of both the children aged 8 years and 4 years is with her. In her affidavit, she has categorically mentioned that both the children are studying in a Public School and she is paying Rs.1700/- per month as school fee, besides incurring expenses on their books, stationery, private tuitions, etc. In the above backdrop, the award of Rs.9,000/- for the respondents by way of an interim maintenance, cannot be said to be unreasonable. The impugned order is, therefore, justified and does not call for any interference.

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

(SUVIR SEHGAL)
JUDGE

December 01, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes