

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

(119)

CRR(F)-106-2022

DATE OF DECISION:- 18.07.2022

KULWINDER SINGH

...PETITIONER

VERSUS

SHWETA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Navdeep Kalair, Advocate for the petitioner.

SUVIR SEHGAL, J. (ORAL)

Vide the instant revision petition, the petitioner has approached this Court challenging order dated 20.12.2021 passed by the Family Court, Sirsa, whereby wife-respondent No.1 has been awarded Rs.5,000/- per month as interim maintenance in proceedings under Section 125 of the Code of Criminal Procedure, 1973 (for short “the Code”).

Facts, in brief, leading to the filing of the present revision petition are that marriage of the petitioner was solemnized with respondent No.1 on 27.01.2020 and no child was born out from this wedlock. It was the second marriage for respondent No.1 and her earlier marriage was dissolved on 08.01.2020. She had two children from the first marriage, a daughter-respondent No.2, who is living with her, and a son, who is with her first husband. As averred by respondent No.1 in her petition seeking maintenance, relations between the parties became sour

due to the demands for dowry by the petitioner and his family. She was physically assaulted, threatened and turned out of the matrimonial home. The respondents approached the Family Court seeking a monthly maintenance of Rs.25,000/- by filing application dated 30.08.2020, Annexure P-1. A separate application, Annexure P-2, has been filed by her seeking interim maintenance. Both the applications have been contested by the petitioner by filing separate replies, Annexures P-3 and P-4, respectively, wherein the marriage and the marital status of the parties has been admitted, though the other material averments have been denied. After considering the respective submissions of the parties, the Family Court vide order impugned herein has awarded interim allowance to the wife-respondent No.1, but rejected the claim of the child-respondent No.2 as she was born from the first marriage of respondent No.1.

Heard counsel for the petitioner.

The sole ground raised by the petitioner is that respondent No.1 was not happy with the marriage and was in an extra marital relationship. On the other hand, respondent No.1 has averred that the petitioner and his family harassed her. Evidence is yet to be led. Allegations and counter allegations have been levelled by the parties against each other, which are not required to be gone into at this stage. There is no dispute about the marital relationship. The submission by the petitioner that he is a labourer and has no regular source of income merely deserves to be noticed and rejected as the petitioner, who is an able bodied person, is legally and morally bound to maintain his wife and cannot shirk his responsibility by making wild and unsubstantiated

allegations. There is no illegality or impropriety in the order passed by the Family Court, which does not call for any interference.

Petition is sans merit and is ordered to be dismissed.

Nothing said hereinabove shall be construed to be an expression on the merits of the petition filed by the respondents under Section 125 of the Code, which will be decided by the Family Court on the basis of the evidence led by the parties.

(SUVIR SEHGAL)
JUDGE

18.07.2022
Kamal

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