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

CRR(F)-38-2021(O&M)

Date of Decision: August 09, 2022

Jatinder Singh

.....Petitioner

Versus

Kamaljit Kaur and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.M.S.Bajwa, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner-husband has approached this Court impugning the order dated 27.10.2020 passed by learned Principal Judge, Family Court, Gurdaspur, wherein it has granted interim maintenance @ Rs.6,500/- per month to the wife and Rs.3,500/- per month to the minor son.

This Court vide order dated 11.02.2021 directed the petitioner to file a specific affidavit explaining the outstanding amount of maintenance as on that date. Despite repeated opportunities granted, the petitioner failed to comply with the order dated 11.02.2021. However, he filed the affidavit which was not in the spirit of the order passed and hence again on 18.05.2022, he was granted further time to file the better affidavit, however, he failed to file the same.

It has been contended by learned counsel for the petitioner that the learned Family Court has fallen in error in granting the interim maintenance to respondent-wife and the minor son amounting to Rs.10,000/- p.m. (in total). He submits that though the relationship between the parties

is not in dispute, however, petitioner is residing in a rented accommodation and he has to spend on his meals etc. but the Family Court has failed to appreciate the same. He submits that there was no fault on the part of the petitioner, however, the respondent-wife without any rhyme and reason, deserted the petitioner and refused to join him despite his sincere efforts. He has submitted that the Family Court has wrongly presumed the income of the petitioner as Rs.20,000/- per month from tuition work, however, the same is without any evidence on record. He submits that in view of the same, the conclusion arrived at by the learned Family Court is unsustainable in the eyes of law and the same deserves to be quashed.

Heard.

Relationship between the petitioner-husband, respondent-wife and the minor son is not in dispute. The marriage of petitioner and respondent No.1 took place on 25.09.2017. As per the allegations in the petition, sufficient dowry was given in the marriage, however, the petitioner and his family being not satisfied, gave severe beatings to the respondent-wife and turned her out of the matrimonial home alongwith the minor son. The petitioner intentionally neglected her and refused to maintain her. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. The petitioner is an able bodied man. There is nothing on record to show that the respondent-wife has deserted the petitioner without any rhyme and reason. Besides this, there is no evidence produced so far to show that the petitioner has no independent source of income. Rather, the respondent-wife has the responsibility of maintaining the minor son as well. As per the law settled by Hon'ble Supreme Court in plethora of judgments, the husband is legally and morally responsible to look after his wife and

children. As per the law settled by Hon'ble Supreme Court in case of **Rajesh Vs. Neha**, 2021(2) SCC 324, the wife has a right of same living standard, which she was enjoying while living with the husband.

Keeping in view the facts and circumstance of the case and the income of the petitioner, the maintenance granted by the learned Family Court cannot be said to be on higher side.

In the overall facts and circumstances of the present case, this Court finds no infirmity in the order passed by the learned Family Court. Resultantly, finding no merit in the petition, the same is hereby dismissed.

August 09, 2022
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(**RAJESH BHARDWAJ**)
JUDGE

1. **Whether speaking/reasoned ?**
2. **Whether reportable ?**

Yes/No
Yes/No