

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

CRR(F)-140-2020 (O&M)
Date of Decision: 28.7.2022

Ravi Petitioner
Versus

AnuRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lalit Kumar Yadav, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

CRM-4173-2020

For the reasons mentioned in the application, the same is allowed. Delay of 19 days in filing the same is condoned.

CRM-4174-2020

Allowed as prayed for.

CRM-26593-2022

The application is allowed. Annexure P-3 is taken on record.

Main case

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 14.10.2019 passed by the learned Principal Judge, Family Court, Jhajjar, whereby interim maintenance @ Rs.8,000/- per month has been awarded to the respondent-wife.

As per facts of the case, the petitioner was married with the respondent on 28.11.2017. The petitioner is a qualified person and has done LLB and MBA and is practising as a Lawyer. After the marriage, due to the matrimonial discord, rift has occurred between the husband and wife and they started living separately. The respondent-wife filed a petition under

Section 125 Cr.P.C. praying for grant of maintenance. Vide order dated 14.10.2019, the learned Family Court granted interim maintenance of Rs.8,000/- per month to the respondent-wife. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition. This Court vide order dated 3.2.2020, directed the petitioner to place on record the list of assets alongwith income tax return to establish that he is not earning more than Rs.30,000/- per month. In pursuance to the same, the petitioner has filed his affidavit (Annexure P-3).

Learned counsel for the petitioner has contended that the respondent-wife herself deserted the matrimonial home and due to the same, she is not entitled for the maintenance under Section 125 Cr.P.C. He has submitted that the petitioner is a junior Lawyer and does not have income as presumed by the learned Family Court, whereas, the respondent is well qualified and possessing a degree of MCA. He also contends that she is doing a private job and earning Rs.1,00,000/- per month. He has submitted that the learned Family Court has failed to appreciate the same and thus, drawn a wrong conclusion in granting interim maintenance of Rs.8,000/- per month.

Heard.

The relationship between the husband and wife is an admitted fact. The petitioner is a Lawyer by profession. In pursuance to the order passed by this Court on 3.2.2020, the petitioner has placed on record the affidavit pertaining to his income, which also shows that his monthly income is Rs.30,000/-. The petitioner is an able bodied person and well qualified. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. 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. The precise submission of the learned counsel for the petitioner is that the wife is earning and thus, she is able to maintain herself. This Court rejects the argument raised and find no force in the same. As per the law settled by Hon'ble Supreme Court in case of Rajnesh Vs. Neha, 2021(2) SCC 324, the wife has a right of living standard, which she was enjoying while living with the husband. If the wife is earning, it cannot operate as a bar from being awarded maintenance to be paid by the husband. Keeping in view the facts and circumstance of the case and the income of the petitioner, which was taken as Rs.30,000/35,000/- per month, the learned Family Court has granted the maintenance of Rs.8,000/- per month to the wife. In the overall facts and circumstances, this Court finds no infirmity in the order passed by the learned Family Court, thus, the petition being devoid of any merit, is hereby dismissed.

28.7.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No