

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

118

CRR(F)-127-2022

Date of decision: 23.02.2022

Sehbaj

... Petitioner

Vs.

Ajida and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Rosi, Advocate for the petitioner.

SUVIR SEHGAL J.

Challenge in the instant revision petition filed under Section 401 of the Code of Criminal Procedure, 1973, (for short - "the Code") is to the order dated 17.03.2021 passed by the Family Court, Mewat, on a petition filed under Section 125 of the Code, whereby monthly maintenance allowance of Rs.2500/- has been awarded in favour of respondent No.1 and Rs.1500/- and Rs.1000/- has been granted to the minors-respondents No.2 and 3, respectively.

Counsel for the petitioner has been heard.

There is no denial of the fact that the petitioner is the husband of respondent No.1 with whom he was married in May, 2007, and that respondents No.2 and 3 are his minor children. In the petition filed under Section 125 of the Code by the respondents, various allegations have been levelled by the respondents against the petitioner, which have been denied by him, but this is not the stage to examine them. Although, respondent No.1 in her petition as well as evidence led before the Family

Court has claimed that the petitioner is working in a private company, owns 05 acres of agricultural land and is earning of Rs.60,000/- per month, but she has not been able to substantiate it with any evidence. The stand taken by the petitioner that he has no source of income also cannot be believed. As the petitioner is the husband of respondent No.1 and father of respondents No.2 and 3, it is his moral and legal obligation to maintain them and he cannot absolve himself from the same by taking a plea that he has no earning.

Keeping in view the intention behind incorporation of Section 125 in the Code, this Court is of the view that the award passed by the Family Court in favour of the respondents does not call for any interference.

The petition is bereft of any merit and is ordered to be dismissed.

23.02.2022
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(SUVIR SEHGAL)
JUDGE

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