

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

CRR(F)-59-2021

Date of Decision: 13.5.2022

Chand Parkash

..... Petitioner

Versus

Anita

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Prabhjot Kaur, Advocate, for
Mr. Ashish Yadav, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 6.3.2020 passed by the learned Principal Judge, Family Court, Sirsa, whereby maintenance of Rs.10,000/- per month to the respondent-wife been awarded.

Learned counsel for the petitioner has contended that the learned Family Court has failed to appreciate the evidence on record and thus, has drawn a wrong conclusion in awarding maintenance to the tune of Rs.10,000/- per month, which deserves to be set aside. He submits that the respondent-wife never adjusted in the matrimonial home despite the best efforts of the petitioner and his family members. He submits that he was adamant to remain separate from the family of the petitioner and hence, never adjusted in the matrimonial home. He further submits that despite best efforts of the petitioner and his family members, the respondent-wife deserted the matrimonial home and lodged the FIR No.594 dated 4.8.2015, under Sections 498-A, 406, 506 and 323 IPC. He further submits that the view taken by the Family Court is totally based on conjecture and surmises and beyond the evidence on record. He submits that the salary of the petitioner hardly about Rs.10,000/- per month and now he is jobless. He

further submits that the respondent-wife already is getting maintenance of Rs.1,500/- per month in the complaint filed under the Protection of Women from Domestic Violence Act, 2005. In the facts and circumstance, the same deserves to be set aside.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is obvious that the relationship between the petitioner and respondent-wife is not under dispute. The respondent is a house wife and there is nothing on record that she has any independent source of income or has any moveable or immovable property in her name and hence, she is solely dependent on the petitioner. From the evidence on record, the Family Court had observed regarding the property owned by the petitioner and on the basis of that his income was assessed not less than Rs.30,000/- per month. The petitioner is an able bodied person. 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. The provisions of Section 125 Cr.P.C. are there to prevent the destitution and vagrancy. Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that the maintenance granted to the wife suffers from no illegality. 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.

13.5.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

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