

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

CRR(F)-135-2022 (O & M)

Date of decision :-26.04.2022.

Ranjodh Singh

...Petitioner

Versus

Sukhpreet Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.APS Tung, Advocate
for the petitioner.

SUVIR SEHGAL, J.

Vide the instant revision petition filed under Section 401 of the Code of Criminal Procedure, 1973, (for short – “the Code”), the petitioner has challenged order dated 20.08.2019 passed by learned Principal Judge (Family Court), Gurdaspur, Camp Court at Batala whereby respondents have been awarded a monthly maintenance of Rs.5000/- (Rs.3000/- per month for respondent No.1 and Rs.2000/- per month for respondent No.2) as an interim arrangement from the date of the application, besides the litigation expenses of Rs.5000/-

Heard counsel for the petitioner.

Although the petitioner has neither filed a copy of the petition preferred by the respondents seeking maintenance under Section 125 of the Code nor the reply filed thereto, but from the facts as are evident from the documents appended with the petition, it is apparent that the marriage of the petitioner was solemnized with respondent No.1 on 01.05.2013 and respondent No.2 was born out of the wedlock. There are allegations levelled

by the parties against each other but for the purposes of the decision of this revision petition, the same are not required to be gone into at this stage. Reference made by counsel for the petitioner to the complaint, Annexure P-1 and order, Annexure P-2, passed therein in the litigation which ensued after the first marriage of respondent No.1, will not advance the case of the petitioner in view of the fact that he has not denied his marriage with respondent No.1. No doubt, the petitioner has filed a petition under Section 11 of the Hindu Marriage Act, 1955 for declaring the marriage with respondent No.1 as null and void but there is nothing to show that marriage has been declared as a nullity.

Respondents have claimed that petitioner is a man of means with a monthly income of Rs.50,000/-, besides, being owner of movable and immovable property, which is denied by him. However, there is no denial that the petitioner is an able bodied and an educated person. Being a husband and a father, it is his moral obligation to support his family. Though the petitioner has not led any evidence regarding his income except for stating that he is working as a labourer on daily wages, but on the basis of assumption, the Court below has arrived at a conclusion that even a daily wager earns a minimum monthly income in five figures. In such circumstances, the award of interim maintenance of Rs.5000/- p.m. to the respondents is fair and reasonable. Counsel for the petitioner has not been able to show any material to satisfy this Court that the order passed by the Court below is illegal or perverse. No ground is made out for interfering with the order passed by the Family Court in exercise of the limited revisional jurisdiction.

Consequently, instant petition and application seeking condonation of delay of 198 days, are dismissed.

As an abundant caution, it is made clear that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.04.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No