

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(119)

CRR(F)-308-2022

Date of Decision: 12.07.2022

Gaurav Gupta

--Petitioner

Versus

Deepika Mahajan & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.S. Manaise, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has approached this court by way of filing present petition impugning the order dated 6.1.2022 passed by the learned Family Court, Amritsar, whereby maintenance @ Rs.5000/- per month to the respondent no.1 wife and @ Rs.2500/- per month to the minor son has been granted.

Learned counsel for the petitioner contends that the marriage of the petitioner took place with the respondent on 10.3.2019. He submits that the respondent wife is a practising Advocate at District Court, Ambala and she was never ready to live with the petitioner in the joint family. He submits that she kept pressurizing the petitioner to live separate from his parents to which the petitioner could not accept. He submits that on account of the same she left the matrimonial home along with the minor son. He submits that the respondent wife being a practising Advocate has a good income which the learned Family Court has failed to appreciate. Counsel submits that as the respondent wife has deserted the petitioner of her own free will, she is not entitled for any maintenance under section 125 Cr.P.C.

It is submitted that the learned Family Court has failed to appreciate the

same and thus has drawn a wrong conclusion in passing the impugned order. Counsel submits that the petition under Section 125 Cr.P.C was not maintainable as the respondent left the matrimonial home with her own free will and there was no justification for the same. He submits that the conclusion arrived at by the learned Family Court in granting her the maintenance was totally against the law settled. Counsel has submitted that the income of the petitioner husband was taken to be Rs.20,000/- per month by the learned Family Court. The petitioner also has the responsibility of other family members and thus the view taken by the learned Family Court in granting maintenance of Rs.7500/- per month to the respondent wife and the minor son is totally unsustainable in the eyes of law and the same deserves to be set aside.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

It is apparent from the record that the relationship between the petitioner and respondent is not in dispute. In view of the facts and circumstances and the evidence adduced on record, the income of the petitioner husband was taken to be Rs.20,000/- per month.

In plethora of judgements, it has been held by the Hon'ble Supreme Court that the husband is not only legally but morally also bound to discharge his responsibility for providing maintenance to his wife. The Hon'ble Supreme Court in ***Rajnesh V. Neha, (2021) 2 SCC 324*** has already settled the law. The petitioner is an able bodied person and cannot escape the responsibility of providing maintenance to his estranged wife. There is nothing on record to show that the respondent wife has deserted the

matrimonial home of her own will. Learned Family Court has awarded a maintenance of Rs.7500/- per month to the respondent wife and minor son keeping in view all the facts and circumstances as also the evidence adduced on record. This court finds no infirmity in the conclusion arrived at by the learned Family Court. The maintenance of Rs.7500/- per month granted to the respondent wife cannot be said to be on the higher side. Accordingly, the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

12.07.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No