

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

**CRR(F)-208-2022
Date of Decision: 21.03.2022**

RANJIT SINGH

....Petitioner

Versus

PAVANDEEP KAUR AND OTHERS

...Respondents

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Jasminder Singh Thind, Advocate for the petitioner

Deepak Sibal, J. (Oral)

Through the present petition challenge is made to the order dated 10.09.2021 passed by the Principal Judge, Family Court, Hoshiarpur (for short – the Trial Court) through which on an application filed by the respondent-wife under Section 125 Cr.P.C. petitioner No.1 – husband has been directed to pay interim maintenance @ Rs.5000/- per month.

The respondent had claimed maintenance from petitioner no.1 on the ground that on 10.01.2016 they were married as per Sikh rites; out of the wedlock 2 children were born; then after the marriage petitioner No.1 and his family members treated the respondent with cruelty; they also neglected/ refused to maintain her and that the respondent was then forced out of her matrimonial home.

The respondent further stated that petitioner No.1 was working as a Head in the designing department at Sant Rubber Limited Jalandhar; in

such capacity he was earning more than Rs.60,000/- per month and therefore he should be directed to pay to the respondent monthly maintenance @ Rs.40,000/- along with one time litigation expenses @ Rs.20,000/-.

On being put to notice petitioner No.1 appeared before the Trial Court and submitted that both the minor children of the parties were living with him and therefore, on this ground alone the respondent's claim should be dismissed; he was working as a designer in a private firm and earning Rs.22,000/- per month; the respondent was earning Rs.40,000/- per month by working as a teacher in Touch Stone IELTS Centre, Prabhat Chowk, Hoshiarpur as also in a tuition Centre being run by her sister at her home. In support of his case petitioner No.1 placed on record a copy of a pamphlet of Rubani Ruhani Institute of Science and English which contained the name of the respondent as one of its teachers.

After considering the pleadings and evidence led by the parties the Trial Court held that neither petitioner No.1 nor the respondent had been able to prove the monthly income of either. However, because petitioner No.1 was an able-bodied man who as per his own admission was earning Rs.22,000/- per month, through the impugned order directions were issued to the petitioner to pay to the respondent interim maintenance @ Rs.5,000/- per month.

Learned counsel for the petitioner submitted that the respondent had not come to the Court with clean hands as she had stated therein that she was not earning any income; in this regard reference was made to a pamphlet of Rubani Ruhani Institute of Science and English on which respondent's name figured as one of its teachers and that as a teacher

the respondent was earning a handsome amount.

The application under Section 125 Cr.P.C. was filed by the respondent before the Trial Court on 21.12.2019 and in such application she has submitted that at present she was not earning even a penny. In response to such claim of the respondent petitioner No.1 relies on a pamphlet of Rubani Ruhani Institute of Science and English which contains the respondent's name as one of its teachers. Such pamphlet is undated and therefore it does not prove that on the date of the filing of the application by the respondent under Section 125 Cr.P.C. she was serving as a teacher in the said institute. The pamphlet also does not contain and consequently prove the respondent's earning, if any.

In the light of the above the impugned order warrants no interference especially, when through the same directions have been issued to the petitioner, an able-bodied man who is admittedly earning Rs.22,000/- per month, to pay to his wife interim maintenance @ Rs.5,000/- per month.

Dismissed.

21.03.2022

gk

(Deepak Sibal)
Judge

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