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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-164-2022(O&M)

Date of Decision: May 17, 2022

Kamal Kant Kashyap

.....Petitioner

Versus

Meena Kumari

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Dinesh Kumar Chaudhary, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.

Petitioner has approached this Court impugning the order dated 12.07.2021 vide which learned Family Court has granted the maintenance of Rs.6,000/- per month to the respondent/wife.

Counsel for the petitioner has contended that marriage of the petitioner with respondent took place on 15.04.2012. He further submits that the respondent/wife never settled in the matrimonial life and started raising disputes on petty issues. Despite the best efforts of the petitioner, she left the matrimonial home with her own free will alongwith the valuable articles, i.e. clothes, jewellery and other belongings. He submits that petitioner belongs to a lower middle class family and was earning about Rs.15,000/- per month. The petitioner is working as an Electrician and is even less qualified than the respondent/wife. He submits that the wife is a working woman and earning Rs.15,000/- to Rs.20,000/- per month, which is sufficient amount for her survival, however, learned Family Court has failed to appreciate the facts and circumstances of the present case and the

evidence on record and thus, drawn a wrong conclusion in granting the maintenance of Rs.6,000/- per month.

Heard.

Relationship between the petitioner and the respondent/wife is not in dispute. Though the petitioner has raised the argument that the respondent has an independent source of income, however, there is nothing on record to substantiate the same. The respondent is living separately from the matrimonial home and its beyond comprehension that without any rhyme and reason, she has deserted the matrimonial home. The petitioner is an able bodied person and is legally and morally bound to look after his wife. As per Section 125 Cr.P.C. the wife is legally entitled for the maintenance. The objective of granting maintenance is to prevent the destitution and vagrancy. The learned Family Court has observed that the respondent while appearing as RW1 has admitted in cross-examination that he used to earn Rs.18,000/- per month, hence, his income has been taken as Rs.20,000/- per month. In view of the income taken of the petitioner, the maintenance granted of Rs.6,000/- per month is just and reasonable.

Hon'ble Supreme Court in **Rajnish vs Neha and another**(2021) 2, Supreme Court Cases 324 had settled the law, relevant paras of which read thus:

“77 (i) The objective of granting interim/permanent alimony is to ensure that the dependant spouse is not reduced to destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

78 The factors which would weigh with the Court inter alia are the status of the parties; reasonable needs of the wife and

dependant children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife.

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81 A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.”

Applying the facts and circumstances of the present case on the anvil of the law settled by Hon'ble Apex Court in **Rajnesh**(supra), this Court finds no infirmity in the conclusion arrived at by the trial Court in granting the maintenance.

Hence, the petition being devoid of any merit is hereby dismissed.

May 17, 2022

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(RAJESH BHARDWAJ)

JUDGE