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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-327-2022

Date of Decision: April 27, 2022

Gamdoor Singh

.....Petitioner

Versus

Harbans Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Abhishek Singla, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court impugning the order dated 30.09.2021 passed by learned Family Court, Bathinda, vide which ad interim maintenance @ Rs.5000/- per month has been granted to the respondent-wife.

It has been contended by learned counsel that petitioner-husband was always ready to live with his wife and that the allegations made by the respondent-wife in the petition are totally false and fabricated. He has submitted that the petitioner had no claim over 6 kanals of land and he has no objection if the respondent-wife keeps the land with her or transfers the same to any of her relatives. He has submitted that the learned Family Court has exercised its discretion in arbitrary manner by granting the ad interim maintenance. He further submits that the Family Court did not appreciate the facts that the respondent-wife is living separately without any rhyme and reason and hence, in view of provisions of Section 125(3) Cr.P.C., she is not entitled for any maintenance. He has further submitted

to repay and hence he is in financial crunch and thus, the Family Court has fallen in error in granting the ad interim maintenance to the respondent-wife.

Heard.

After hearing the arguments of counsel for the petitioner and perusing the record, this Court finds no merit in the submissions made by counsel for the petitioner. Relationship between the petitioner and the respondent-wife is admitted. The petitioner is an able bodied man and has the landed property as well. Provisions of Section 125 Cr.P.C. are to prevent the destitution and vagrancy. As per the law settled by Hon'ble Supreme Court in **Rajnish vs Neha & another** (2021) 2 SCC 324, the husband is legally and morally responsible for maintaining the wife and the children.

In the facts and circumstances of the present case, this Court finds no infirmity in the conclusion arrived at by the learned Family Court in granting the ad interim maintenance @ Rs.5,000/- per month to the respondent-wife, which is just and proper.

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

April 27, 2022
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(RAJESH BHARDWAJ)
JUDGE

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No
Yes/No