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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-F-192-2022

Date of Decision: March 16, 2022

Hanif

.....Petitioner

Versus

Smt.Batni and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sarfraj Hussain, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The petitioner has approached this Court by way of this revision petition impugning the order dated 13.01.2022 wherein the learned Family Court has awarded the maintenance of Rs.7,000/- in total to the respondent-wife and the minors.

As per facts of the case, the respondent-wife and the minors had filed a petition for the grant of maintenance under Section 125 Cr.P.C. alongwith an application for grant of interim maintenance. The relationship between the petitioner and the respondents was never in dispute. Learned Family Court after appreciating the arguments advanced and perusing the record had granted the interim maintenance of Rs.7,000/- per month in all, i.e. Rs.4,000/- per month for the wife and Rs.1500/- per month for each of

Learned counsel for the petitioner has submitted that the Family Court has fallen in error in granting the interim maintenance of Rs.7,000/- per month to the respondents. It is submitted that it is the third marriage of respondent No.1 with the petitioner. He further submitted that petitioner is a daily labourer and thus, his income has not been taken into consideration by the Court below. He has also submitted that petitioner is still willing to live with the respondents if the respondent-wife agrees to the same and hence, the impugned order deserves to be set aside.

Heard.

The relationship between the petitioner and the respondents is not in dispute. Even if it is the third marriage of respondent No.1 with the petitioner that does not exonerate him from his liability towards his wife and children. The petitioner is an able-bodied person. Respondent No.1-wife is a house wife and has no independent source of income. Hon'ble the Supreme Court in **Bhuwan Mohan Singh vs Meena and others** (2015) 6 Supreme Court Cases 353 had already laid down that the wife is legally entitled to the same status in the life as she was enjoying during the marriage. It is further settled that the provisions of maintenance under Section 125 Cr.P.C. are for preventing the destitution and vagrancy. The husband is legally and morally responsible for maintaining the wife.

In view of the above facts, this Court does not find any infirmity in the view taken by the learned Family Court. Hence, the present petition is dismissed being devoid of any merit.

March 16, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No