

In the High Court for the States of Punjab and Haryana at  
Chandigarh

**CRR(F)-336-2020 (O&M)**

**Date of Decision: September 01, 2022**

*Prem Chand*

*... Petitioner*

*Versus*

*Kamlesh and another*

*.... Respondents*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Adarsh Jain, Advocate,  
for the petitioner.

**Vivek Puri, J.**

The petitioner has assailed the order dated 22.01.2020 passed by the Court of learned Additional Principal Judge, Family Court, Faridabad vide which maintenance at the rate of Rs.10,000/- has been awarded in favour of respondent no.1 in the proceedings under Section 125 of the Code of Criminal Procedure (hereinafter referred to as the `Code'). However, the claim of respondent no.2 for maintenance has been declined on the score that he has attained majority during the pendency of the petition and was aged about 21 years on the day when the petition was decided.

The respondents have instituted a petition under Section 125 of the Code alleging that they have no source of income and are unable to maintain themselves. The

petitioner earns more than Rs.30,000/- per month. He owns Maruti Van which he plies as taxies.

The petitioner has resisted the claim of the respondents and it has been denied that he is earning more than Rs. 30,000/- per month.

It may be mentioned here that during the course of hearing, the relationship between the parties has not been disputed.

Learned counsel for the petitioner contends that at the earlier instance, the petitioner had instituted a petition for divorce under Section 13 of the Hindu Marriage Act against the respondent no.1. The said petition was allowed ex-parte. However, the same has been set aside at a subsequent stage and thereafter, the divorce petition has been dismissed. The petitioner has preferred an appeal, which is pending in this Court. After the passing of the ex-parte decree, the petitioner has solemnized another marriage.

The perusal of the impugned order indicates that the petitioner has admitted the fact that he was owner of 4 acres of arable land and the same has been transferred in the name of his second wife. It has also been observed in the impugned order that the piece of land is an urban property which was under acquisition proceedings for laying new railway line. It was also observed that the transaction of

transfer of the land was a sham transaction aimed to defeat the rights of the respondents. It was held that an acre of arable land situated on the outskirts of a city like Palwal must be generating an income of Rs.50,000/- per annum and could even be above Rs. 1 lakh, if it is used for growing cash crops like vegetables etc.

During the course of hearing, no reason has been sought to be assigned with regard to the transfer of land by the petitioner in favour of his second wife. It appears that the exercise of transfer of the land in the name of the second wife has been carried out by the petitioner as a clever ploy to defeat and dilute the claim of the respondents for maintenance. Respondent no.1 being wife of the petitioner is entitled to maintenance, which is commensurate with the income and status of the petitioner. By no stretch of imagination, the amount of Rs.10,000/- awarded as maintenance by the Court below can be termed to be excessive or on higher side keeping in view the financial resources, status of the petitioner and escalating prices of daily needs in these days.

In these set of circumstances, the present petition being devoid of merits, is dismissed.

**September 01, 2022**  
vkd

**(Vivek Puri)**  
**Judge**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No