

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

CRR(F)-316-2022

Date of Decision: 25.4.2022

Rahul Gulati

..... Petitioner

Versus

Yeshu Gulati and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Poorva Gupta, Advocate for
Mr. Akshit Aggarwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court by way of filing the present revision impugning the order dated 10.3.2022 passed by the learned Additional Principal Judge, Family Court, Yamuna Nagar At Jagadhari, whereby, petition filed by the respondents for grant of maintenance was partly allowed by granting maintenance to respondent No.2-minor @ Rs.4,000/- per month alongwith Rs.1,000/- per month towards Sukanya Scheme of the Government, till policy attains majority.

As per the facts of the case, the marriage of the petitioner was solemnized with respondent No.1 on 18.10.2010. Out of the wedlock a female child i.e. respondent No.2 was born. However, matrimonial discord took place between the petitioner and respondent No.1 and she shifted alongwith her minor to her parents. Having no source of income, she filed petition under Section 125 Cr.P.C. for grant of maintenance. The learned Family Court partly allowed the petition by granting maintenance to respondent No.2-minor @ Rs.4,000/- per month alongwith Rs.1,000/- per month towards Sukanya Scheme of the Government, till policy attains majority vide order dated 10.3.2022. Aggrieved by the same, the petitioner approached this Court by way of filing the present revision petition.

Learned counsel for the petitioner has submitted that the learned Family Court has fallen in error in arriving at a conclusion in granting maintenance to the tune of Rs.5,000/- per month in total as mentioned above. He submits that the income of the petitioner is only Rs.4,500/- per month, thus, it is impossible for him to pay the maintenance as awarded by the learned Family Court.

Heard learned counsel for the petitioner and perused the record.

Apparently, petition under Section 125 Cr.P.C. was filed by the wife alongwith the minor. The learned Family Court after appreciating the evidence on record declined the same qua the wife and granted maintenance to the minor only. The wife filed affidavit, wherein, it was stated that the petitioner was employed with DTDC Courier at Yamuna Nagar and earning Rs.15,000/- per month. Besides that he is doing marketing and earning Rs.50,000/- per month. The petitioner accepted in his cross-examination that he was in job from the year 2012-2015 and his earnings were Rs.150/- per day. However, regarding the injury in backbone, no medical was produced. The respondent-minor is living with her mother and is studying. The petitioner being father of the minor is legally and morally responsible. The main argument raised by learned counsel for the petitioner is that the petitioner is earning Rs.4,500/- per month and thus, the maintenance awarded is more than the income of the petitioner. The petitioner is an able bodied person and the conclusion arrived at by the learned Family Court in assessing the income and that maintenance awarded to the respondent-minor is in accordance with law settled. In the attending facts and circumstances and on the anvil of law settled, no ground for interference in the order passed by the learned Family Court is called for.

In the overall facts and circumstances, this Court finds no infirmity in the order passed by the learned Addl. Sessions Judge, thus, the petition being devoid of any merit, is hereby dismissed.

25.4.2022			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No