

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

CRR(F)-314-2022

Date of Decision: 25.4.2022

Lovedeep Singh

..... Petitioner

Versus

Gurpreet Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dhruv Gupta, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 7.3.2022 passed by the learned Principal Judge (Family Court), Ambala, whereby maintenance of Rs.2,500/- per month from the date of filing of the petition till the date of the order i.e. 7.3.2022 and thereafter @ Rs.3,600/- per month from the date of passing of that order, was awarded.

Learned counsel for the petitioner has submitted that as per the facts of the case the marriage of the petitioner took place with the respondent on 26.11.2016 as per Sikh rites. After marriage, matrimonial discord took place between the petitioner-husband and respondent-wife and as a result, she left the matrimonial home. The respondent-wife filed petition under Section 125 Cr.P.C. for grant of maintenance. It was pleaded by respondent that she had no source of income to maintain herself nor any movable or immovable property in her name, whereas, the petitioner is doing business of medicines and is earning Rs.50,000/- per month. The petitioner appeared after issuance of notice and filed his written statement.

The allegation of the respondent-wife of spending Rs.20 lacs in marriage

was denied by him. It was denied that he had never taken istridhan, gold articles etc. However, it was submitted that the respondent-wife took away all the gold articles alongwith her. The allegations of demand of dowry and taunting etc. were denied same being fabricated and concocted. He has submitted that the petitioner is working as a Helper in Kisan Medicals and is getting salary of Rs.4,000/- per month. Learned counsel for the petitioner submits that the learned Family Court has drawn a wrong conclusion in awarding maintenance to the tune of Rs.2,500/- per month from the date of filing of the petition till 7.3.2022 and Rs.3,600/- per month from the date of passing the said order. Learned counsel for the petitioner has submitted that the respondent-wife has levelled false and frivolous allegations of harassment, cruelty and demand of dowry. He submits that in fact the wife was never satisfied with her marriage with the petitioner and she deserted the petitioner of her own. He submits that in view of Section 125(4) Cr.P.C. as the wife has herself left the matrimonial home without any rhyme and reason, she is not entitled for any maintenance as awarded by the learned Family Court. He submits that the respondent-wife is well educated having Masters degree in Hindi and her father is working as a Clerk with a practising Lawyer. He submits that the learned Family Court illegally struck off the defence of the petitioner and thus, he was prevented from leading his evidence. He further submits that the petitioner is getting a meagre salary of Rs.4,000/- per month and thus, the maintenance granted by the learned Family Court deserves to be set aside.

Heard learned counsel for the petitioner and perused the record.

The relationship between the petitioner and the respondent is

admitted. The precise submission made before this Court by learned counsel for the petitioner is that the respondent-wife was not satisfied with her marriage with the petitioner and she left the matrimonial home of her own and hence, in view of the provision of Section 125(4) Cr.P.C., she is not entitled for the maintenance granted. As per the evidence on record, there was nothing on record showing that the respondent-wife has deserted the petitioner without any rhyme and reason. The other submission of learned counsel for the petitioner that the respondent-wife is well educated and MA in Hindi and thus, she is not entitled for the maintenance, is without any merit. The petitioner is an able bodied man and as per the law settled by Hon'ble Supreme Court in plethora of judgments, the husband is legally and morally responsible to look after his wife and children. The submission of learned counsel for the petitioner that defence of the petitioner was struck off, carries no merit. Admittedly, the petitioner has never challenged the order of the learned Family Court by virtue of which his defence was struck off. Once, the petitioner himself has chosen not to assail the same, the order becomes final and the grievance made by the petitioner has no legal sanctity. The provisions of Section 125 Cr.P.C. are there to prevent the destitution and vagrancy. In view of the judicial precedent set by Hon'ble Supreme Court in case of Rajesh Vs. Neha, 2021(2) SCC 324, there is no straight jacket formula for granting maintenance, however, the same depends on various factors like status of the parties; and the independent income and property of the claimant etc. Weighing the facts and circumstances of the case on the anvil of law settled, this Court finds that the maintenance granted to the wife in view of the income of the petitioner

is reasonable and suffers from no illegality. In the overall facts and circumstances, this Court finds no infirmity in the order passed by the learned Family Court, thus, the petition being devoid of any merit, is hereby dismissed.

25.4.2022
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No