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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-304-2022(O&M)

Date of Decision: August 01, 2022

Ram Kumar

.....Petitioner

Versus

Kavita and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Akashdeep Singh, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

CRM-14649-2022

Application is allowed as prayed for.

Main case

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 18.11.2021 passed by the learned Additional Principal Judge, Family Court, Rohtak, whereby it has granted interim maintenance @ Rs.5,000/- per month to respondent No.1-wife and @ Rs.3,000/-per month to respondent No.2-minor.

It has been contended that the marriage between the petitioner and the respondent -wife took place on 17.04.2021 and a son was also born out of the wedlock on 29.10.2009. It is submitted that respondent-wife left the matrimonial home also on 29.10.2009 and after ten years thereafter, i.e. on 01.08.2019, the respondent-wife filed an application under Section 125 Cr.P.C. He submits that the learned Family Court has granted interim maintenance illegally by taking into consideration the land owned by the

petitioner in village Kakrana. It is further submitted that the Court has not taken into consideration the fact that the petitioner had taken loan on the said land. He has submitted that the respondent-wife has also filed a petition under Section 12 of the Domestic Violence Act and the same is pending adjudication and hence the view taken by the learned Family Court is erroneous and the same deserves to be set aside.

Heard.

The relationship between the husband and wife is an admitted fact. They are blessed with a son, who is now grown up. It is also an admitted fact that it was the second marriage of the respondent-wife. As per record of the case, petitioner is driver by profession. Learned Family Court has assessed the income of the petitioner by placing reliance on the jamabandi for the year 2011-12. No document regarding taking of loan, as alleged, is placed on record. Income of the petitioner has been reasonably inferred as Rs.20,000/- per month. The petitioner is an able bodied person. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. 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. As per the law settled by Hon'ble Supreme Court in case of **Rajnish Vs. Neha**, 2021(2) SCC 324, the wife has a right of living standard, which she was enjoying while living with the husband.

Keeping in view the facts and circumstance of the case and the income of the petitioner, which was taken as Rs.20,000/- per month, the learned Family Court has granted the maintenance of Rs.8,000/- (in total) per month to the respondents, which cannot be said to be on higher side.

In the overall facts and circumstances of the present case, 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.

August 01, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |