

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

CRR(F)-315-2022 (O&M)
Date of Decision: 25.4.2022

Dinesh Sehtya

..... Petitioner

Versus

Honey Sehtya and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gursimran Singh Bawa, 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 12.1.2022 passed by the learned Principal Judge, Family Court, Amritsar, whereby interim maintenance of Rs.5,000/- per month to respondent No.1-wife and Rs.3,000/- per month to respondent No.2-minor has been awarded.

It has been contended by learned counsel for the petitioner that the marriage of the petitioner took place on 17.9.2012 with respondent No.1 as per Hindu rites and they were blessed with a son thereafter. However, respondent No.1 left the matrimonial home without any rhyme and reason and thereafter, she shifted to her parents. She filed an application under Section 125 Cr.P.C. on false and frivolous grounds, which has been accepted by the learned Family Court by misreading the evidence on record, which is unsustainable in the eyes of law. Respondent No.1-wife is the only daughter of her father and she is running a beauty parlour and earning Rs.30,000/- per month. After the marriage she started asking for separate residence from the family members of the petitioner and hence, he shifted in a rented accommodation. Despite that, the respondent-wife was not satisfied and thereafter, she pressurized the petitioner for taking his share from

landed property for purchasing a separate house. Learned counsel for the petitioner submits that the respondent-wife had herself deserted the petitioner, therefore, in view of Section 125(4) Cr.P.C. she is not entitled for the maintenance as granted by the Family Court. He submits that the petitioner is an Insurance Agent and earning Rs.14,000/- per month and also has the responsibility to maintain his old aged parents and thus, the maintenance awarded @ 8,000/- per month in total is on excessive side and 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. Due to matrimonial discord, the wife shifted alongwith minor to her parents. She has the responsibility of bringing up her child as well. The expenses for the education of the child besides other expenses are to be borne by the respondent-wife. The petitioner has disclosed his income Rs.14,000/- per month, whereas, the respondent-wife has contended the same to be between Rs.1 lac to Rs.1.25 lac. The petitioner is an able bodied person. 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. It is an interim maintenance and as the main case is pending adjudication before the learned Family Court, the Court would appreciate the evidence to be led by the parties. The provisions of Section 125 Cr.P.C. are there to prevent the destitution and vagrancy. In view of the judicial precedent set up by Hon'ble Supreme Court in case of Rajnesh 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 interim 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.

(RAJESH BHARDWAJ)
JUDGE

25.4.2022
sharmila

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