

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(114)

CRM-M-17416-2022
Date of Decision: 02.08.2022

Sukhwant Singh

--Petitioner

Versus

Ramanpreet Kaur & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has approached this court by way of filing present petition impugning the order dated 16.2.2021 (Annexure P-1) passed by the learned ACJM, Mansa, whereby the application filed by the respondents has been allowed and interim maintenance to the tune of Rs.2500/- per month to each of the applicants has been granted. Further challenge is to the order dated 22.3.2022 (Annexure P-3) passed by learned Sessions Judge, Mansa whereby the revision petition filed by the petitioner has been dismissed.

As per facts of the case, petitioner was married with respondent no.1 on 4.2.2013 and they were blessed with a son. At the time of marriage, parents of respondent no.1 gave sufficient dowry as per their capacity, however, the petitioner husband and his family members were not satisfied with the same. On account of the same matrimonial discord took place between husband and wife and she was shunted out of the matrimonial home. She filed a petition under section 125 Cr.P.C praying for grant of maintenance. The same was allowed and interim maintenance @ Rs.2500/- per month to each of the applicants (respondents herein) was granted.

Aggrieved by the same petitioner challenged the impugned order by way of filing a revision petition, however, the same was declined by the learned Sessions Judge, Mansa vide order dated 22.3.2022.

Learned counsel for the petitioner contends that petitioner was proceeded against ex-parte vide order dated 9.3.2020 and the learned ACJM, Mansa vide the impugned order dated 16.2.2021 allowed the petition filed under section 125 Cr.P.C. He submits that respondent was never turned out of the matrimonial home rather she herself left the company of the petitioner and thus in view of the provisions of section 125 Cr.P.C she is not entitled for the maintenance. Counsel submits that mother of the petitioner is suffering from serious illness and the petitioner has to spend money on the treatment of his mother as well. He submits that for reconciliation of the dispute petitioner filed a petition under section 9 of Hindu Marriage Act, however, respondent no.1 compromised the matter with the petitioner and hence in view of the same he had withdrawn the petition. Thereafter she again started harassing the petitioner and filed a petition under Section 125 Cr.P.C only to harass him. Counsel submits that both the impugned orders deserve to be quashed.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

It is apparent from the record that the relationship between the petitioner and respondent is not in dispute. Though, counsel for the petitioner has argued that the respondent wife left the matrimonial home of her own will, however, there is nothing on record to substantiate the same. Besides this, there is nothing on record to show that the respondent wife has

any independent source of income.

In plethora of judgements, it has been held by the Hon'ble Supreme Court that the husband is not only legally but morally also bound to discharge his responsibility for providing maintenance to his wife. The Hon'ble Supreme Court in ***Rajnish V. Neha, (2021) 2 SCC 324*** has already settled the law. The petitioner is an able bodied person and cannot escape the responsibility of providing maintenance to his estranged wife. There is nothing on record to show that the respondent wife has deserted the matrimonial home of her own will. Learned Family Court has awarded a maintenance of Rs.2500/- per month to each of the respondents keeping in view all the facts and circumstances as also the evidence adduced before it.

This court finds no infirmity in the conclusion arrived at by the learned Family Court. The maintenance of Rs.2500/- per month to each of the respondent cannot be said to be on the higher side. The petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

02.08.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No