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

CRR(F)-380-2022

Date of Decision: July 27, 2022

Bharat Bhushan

.....Petitioner

Versus

Salma Devi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sanjay Verma, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

The petitioner has approached this Court by way of filing the present revision petition impugning the order dated 19.10.2021 passed by the learned Principal Judge, Family Court, Kurukshetra, whereby interim maintenance @ Rs.12,000/- per month, i.e. Rs.7,000/- to respondent No.1-wife and Rs.5,000/- per month to respondent No.2-daughter has been awarded.

It has been contended by learned counsel for the petitioner that the learned Family Court has fallen in error in awarding the maintenance. He contends that the petitioner is employed in BSF and is getting a salary of Rs.1,00,000/- per month. It has been argued by counsel for the petitioner that respondent-wife is having ½ acre of agricultural land, which she cultivates, and she also maintains two buffaloes, which were purchased by the petitioner and thus, she has an independent source of income, which has not been taken into consideration. He submits that due to the complaint filed by the respondent-wife, the petitioner has been removed from his service and he did not even receive his pension, thus, he is not in a position to pay

the maintenance and the said fact has not been taken into consideration by the learned Court below. He submits that the Court has proceeded on assumptions and presumptions by considering the pension of the petitioner ranging from Rs.30,000/- to Rs.35,000/- per month and thus, granted interim maintenance of Rs.12,000/- to both, i.e. the wife and the minor which is against the facts and circumstances of the case.

Heard learned counsel for the petitioner and perused the record.

Relationship between the petitioner and the respondent-wife is not disputed. Admittedly, the petitioner was employed in BSF and after his discharge from service, he is entitled to get pension. The Family Court has rightly taken into consideration his income. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. The petitioner is an able bodied person. As per the law settled by Hon'ble Supreme Court in **Rajesh vs Neha & another** (2021) 2 SCC 324, the husband is legally and morally responsible for maintaining the wife and the children. The petitioner could not prove the income of the wife from any land or buffaloes, as alleged.

Keeping in view the facts and circumstance of the case and the income of the petitioner, the learned Family Court has rightly granted the maintenance of Rs.12,000/- per month to the respondents, which cannot be termed as to be on higher side in these days. 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.

July 27, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No