

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(121)

CRR(F)-471-2022

Date of Decision: 25.05.2022

Jagjit Singh

--Petitioner

Versus

Devinder Kaur

--Respondent

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

Present:- Mr. R.K. Jaswal, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has approached this court impugning the order dated 4.4.2022 passed by the learned Additional Principal Judge, Family Court, Patiala, whereby an interim maintenance of Rs.4,000/- per month from the date of application plus Rs.3500/- as cost of litigation, has been granted to the respondent wife.

Learned counsel for the petitioner has contended that the learned Family Court has fallen in error in granting the interim maintenance as mentioned above. He submits that the marriage of the petitioner took place with the respondent-wife as per the Sikh Rites on 2.3.2002. It is submitted that the respondent wife is residing in the matrimonial home itself and not separately from the petitioner. He submits that the differences between the petitioner and the respondent wife are on account of their temperamental differences and that she is a chronic litigant as she has lodged a false and frivolous FIR bearing no.64 dated 15.8.2019 under section 498-A I.P.C at Women Police Station, Patiala. Besides this she has also filed a petition under the Domestic Violence Act which is also pending adjudication. The petitioner is bearing the litigation expenses of this

frivolous litigation initiated by the respondent wife. He further submits that out of the wedlock a son is also born, who is studying in 10+2. The petitioner is also bearing the expenses of the child as well. Besides this he has the responsibility of his old aged parents. Counsel submits that due to the atrocities committed by the respondent wife petitioner along with his old parents and son is residing in a rented accommodation. Counsel submits that petitioner is running a milk dairy and his monthly income from the same is Rs.15,000/-. The petitioner has no landed property in his name and the same stands in the name of his parents. Counsel submits that the respondent wife is working in the Guru Nanak Institute of Medical Technology, Patiala and has an income of Rs.15,000/- per month and thus she has sufficient source of income to maintain herself. He submits that due to the cruelty caused by the respondent wife the petitioner has already filed a petition under Section 13 of Hindu Marriage Act for the grant of divorce and the same is pending adjudication. He submits that in view of the overall facts and circumstances of the case, the respondent wife was not entitled for the maintenance as granted by the learned Family Court and thus the impugned order dated 4.4.2022 deserves to be set aside.

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

From the arguments advanced by counsel for petitioner and perusal of the record, it is clear that the relationship between the husband and wife is not under dispute. They are also blessed with a son. The respondent wife has filed a petition under Section 125 Cr.P.C alleging therein that the petitioner and his parents started causing harassment to her for the demand of dowry and she was put to humiliation and harassment.

Time and again she was being humiliated and harassed by the petitioner. He used to beat her. She was not even allowed to talk to her son. She also alleged that she did not have any source of income, whereas the petitioner husband was running a dairy and his earning from the same was approximately Rs.2 lakh per month. From the facts and circumstances, it is evident that the respondent wife is living separately from the petitioner. There are multiple litigation going on between them. Prima facie, the matrimonial discord between the husband and wife is apparent. As per the settled proposition of law the provision of Section 125 Cr.P.C is not meant to award punishment, however, the same is to prevent the vagrancy and destitution. Even if it is assumed that the respondent wife has some source of income the same does not absolve the petitioner husband from looking after the estranged wife. Though the petition filed by the respondent wife is pending for its final adjudication, however, taking into consideration the overall facts and circumstances the learned Family Court has granted the interim maintenance of Rs.4,000/- per month only to the respondent wife. The petitioner 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.

Thus, weighing the facts and circumstances of the present case on the anvil of the law settled, this court does not find any infirmity in the view taken by learned Family Court in granting the interim maintenance of

Rs.4,000/- per month to the respondent wife. Resultantly, the petition being devoid of any merit is hereby dismissed.

25.05.2022

(RAJESH BHARDWAJ)
JUDGE

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No