

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(115)

CRR(F)-511-2022

Date of Decision: 07.09.2022

Mahendra Kumar

--Petitioner

Versus

Kanta Saini & another

--Respondents

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

Present:- Mr. H.S. Saini, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has approached this court by way of filing present petition impugning the order dated 13.10.2021 passed by the learned Principal Judge, Family Court, Narnaul, whereby interim maintenance @ Rs.12,000/- per month has been granted to respondent no.2 i.e. minor daughter of the petitioner from the date of application.

Learned counsel for the petitioner contends that learned Family Court has fallen in error in granting the maintenance of Rs.12,000/- per month to the respondent no.2 minor. He submits that the marriage of the petitioner took place with Kanta Saini i.e. mother of the respondent on 22.2.2006. Thereafter, they were blessed with daughter(respondent no.2). Counsel submits that due to temperamental differences matrimonial discord took place between husband and wife due to which respondent no.1 left the matrimonial home and started living at her parental home. FIR No.137 dated 26.11.2018 under section 498 A, 406, 323, 506, 34 IPC was also registered by respondent no.1 against the petitioner. Counsel submits that respondent no.1 is earning a handsome salary of Rs.23,000/- per month as she is working as a teacher, however, she has concealed this fact from the

learned Family Court and thus the learned Family Court has drawn a wrong conclusion in awarding the maintenance aforementioned. Counsel submits that before the learned Family Court both the parties filed their respective affidavits and as per affidavit filed by the petitioner his monthly expenses are Rs.75,000/- per month whereas his net salary is Rs.90,000/- per month. Counsel submits that petitioner has to look after his old aged parents and he is also paying the EMI for his house loan. He submits that the view taken by the learned Family Court is totally against the evidence on record and hence deserves to be set aside.

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 no.2 is not in dispute. She is the minor daughter of the petitioner, who has knocked the door of the court for granting maintenance by way of filing a petition under section 125 Cr.P.C. The precise submission made before this court by the counsel for the petitioner is that the mother of the respondent no.2 is a Teacher and is earning a salary of about Rs.23,000/- per month. He submits that the wife is earning a handsome salary, whereas the petitioner has been burdened with an interim maintenance of Rs.12000/- per month for his minor daughter. There is no dispute that the mother of the respondent no.2 is a well educated lady and is earning Rs.23,000/- per month while serving as a Teacher, however, the petitioner is father of the respondent. He cannot be allowed to raise the arguments of shifting his responsibility towards the child on the shoulder of the mother simply because she is well educated and getting a good salary.

The learned Family Court has applied its judicious mind while awarding the maintenance only @ Rs.12000/- per month.

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 and children as well. 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 own minor daughter. Learned Family Court has awarded a maintenance of Rs.12,000/- per month to the respondent daughter keeping in view all the facts and circumstances as also the documents placed on record.

This court finds no infirmity in the conclusion arrived at by the learned Family Court. The interim maintenance of Rs.12,000/- per month granted to the respondent daughter cannot be said to be on the higher side. The petition being hopelessly without any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

07.09.2022

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