

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(116)

CRR(F)-515-2022(O&M)
Date of Decision: 07.09.2022

Rohtas

--Petitioner

Versus

Reena Devi & another

--Respondents

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

Present:- Mr. Ravinder Rana, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has approached this court by way of filing present petition impugning the order dated 2.12.2021 passed by the learned Principal Judge, Family Court, Kaithal whereby interim maintenance @ Rs.8,000/- per month in total i.e. Rs.6,000/- per month to respondent no.1 and Rs.2,000/- per month to respondent no.2 minor has been granted from the date of filing the petition.

Learned counsel for the petitioner contends that learned Family Court has fallen in error in granting the maintenance as mentioned above to the respondents. Counsel submits that petitioner was married to respondent no.1 on 15.3.2009 and thereafter they were blessed with a child on 24.6.2011. Thereafter, matrimonial discord took place between husband and wife. He submits that the respondent no.1 wife left the matrimonial home without any rhyme and reason and as per the statutory provisions under section 125 Cr.P.C she is not entitled for the maintenance as awarded. He submits that the learned Family Court has failed to appreciate the evidence on record and thus has drawn a wrong conclusion in awarding the maintenance to the respondents and hence the impugned order 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 respondents is not in dispute, however, due to the matrimonial discord the petitioner and respondent wife started living separately. There is nothing on record to show that respondent wife had left the matrimonial home without any rhyme and reason. Further, there is nothing on record to show that respondent wife has any independent source of income. Rather it has come on record that petitioner has two other brothers and they are owner in possession of 30 acres of land. It was further admitted that the lease amount against one acre of land is about 25,000-30,000/- per annum. The learned Family Court has applied its judicious mind while awarding the maintenance only @ Rs.8,000/- per month in total to both the respondents.

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 ***Rajnesh 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 wife and minor daughter. Learned Family Court has awarded a maintenance of Rs.8,000/- per month to both the respondents 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.8,000/- per month granted to the respondents cannot be said to be on the higher side. The petition being devoid of any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

07.09.2022

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