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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR(F)-530-2022

Date of Decision: August 01, 2022

Ajay Khatri

.....Petitioner

Versus

Riya Khatri @ Raman Kumari and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sanyam Bhardwaj, 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 14.03.2022 passed by the learned Additional Principal Judge, Family Court, Faridabad, whereby it has granted interim maintenance @ Rs.6,000/- per month to respondent No.1-wife and @ Rs.4,000/-per month to respondent No.2-minor.

Counsel for the petitioner submits that the learned Family Court has fallen in error in directing him to pay the interim maintenance @ Rs.10,000/- per month in total to the respondents. He submits that respondent No.1-wife has deserted the matrimonial home of her own will and without any sufficient reason. He made several efforts for reconciliation, however, respondent No.1-wife never accepted that. He submits that the respondent-wife compelled the petitioner to live separately from his old aged parents. She remained adamant in compelling the petitioner to shift to her parental home. He has submitted that the learned trial Court has wrongly assessed the income of the petitioner -husband @

Rs.30,000/- per month. He has submitted that the income taken into consideration by the Family Court belongs to the years 2017-2018, 2018-2019, and 2019-2020, which were before the outbreak of COVID-19. He submits that after the COVID-19, the petitioner became jobless and thus, his income has been wrongly assessed by the learned Family Court. He submits that as the respondent-wife has left the matrimonial home of own will hence, as per Section 125(4) Cr.P.C. she is not entitled for any maintenance, as granted and therefore, the order dated 14.03.2022 deserves to be quashed.

Heard.

The relationship between the husband and wife is an admitted fact. Both were married and were blessed with a son. There is nothing on record to suggest that the respondent-wife has left the matrimonial home without sufficient reason. Admittedly, she has the responsibility of looking after the minor as well. The Family Court has taken into consideration the ITRs pertaining to the years 2017-2018, 2018-2019 and 2019-2020. The Court was well within its domain to do the guess work for assessing the income of the petitioner-husband, which was taken to be Rs.30,000/- per month. The petitioner is an able bodied person. The provisions of Section 125 Cr.P.C. are for preventing destitution and vagrancy. As per the law settled by Hon'ble Supreme Court in plethora of judgments, the husband is legally and morally responsible to look after his wife and children. As per the law settled by Hon'ble Supreme Court in case of **Rajnish Vs. Neha**, 2021(2) SCC 324, the wife has a right of living standard, which she was enjoying while living with the husband.

Keeping in view the facts and circumstance of the case and the

income of the petitioner, which was taken as Rs.30,000/- per month, the

learned Family Court has granted the maintenance of Rs.10,000/- per month total to the respondents, which cannot in any way be said to be on higher side.

In the overall facts and circumstances of this case, the Court finds no infirmity in the order passed by the learned Family Court, thus, the petition being devoid of any merit, is hereby dismissed.

August 01, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No