

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

**CRM-32245-2022 in/and
CRR(F)-343-2019
Date of decision : 05.09.2022**

Harner Dhillon @ Harnek Dhillon

.....Petitioner

versus

Sandeep Kaur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. G.S. Brar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM-32245-2022

Prayer in the present application is for restoration of petition by recalling the order dated 26.07.2022 passed by this Court vide which the criminal revision filed by the petitioner was dismissed for non-prosecution.

Learned counsel for the applicant/petitioner has submitted that the case was listed on 26.07.2022, however, he missed the case as he was busy in some another Court. He has submitted that he has a good case on merits and the applicant/petitioner would suffer irreparable loss and injury if the same is not restored.

After hearing counsel for the petitioner and for the reasons recorded in the application, the case is restored to its original number and the main case is taken up on board today itself.

Application stands allowed.

CRR(F)-343-2019

Petitioner has filed this petition impugning the order dated 26.04.2019 wherein learned Family Court has granted interim

maintenance @ Rs.10,000/- per month to respondent No.1-wife, Rs.5,000/- per month to respondent No.2-minor daughter and Rs.4,000/- per month to respondent No.3-second minor daughter.

Learned counsel for the petitioner has contended that the Family Court has fallen in error in granting maintenance as aforementioned. It has been submitted by counsel for the petitioner that it was respondent No.1 who treated the petitioner and his family members with cruelty and she left the matrimonial home without any rhyme and reason. The petitioner is doing odd job as a labourer in Greece and he is earning only Rs.12,000/- per month approximately but the Family Court failed to appreciate the same. He submits that in view of the facts and circumstances of the case, the impugned order deserves to be *set aside*.

I have heard counsel for the petitioner and perused the record.

The relationship between the petitioner and the respondents is not in dispute. The petitioner was married with the respondent on 20.02.2002 as per Sikh rites and out of this wedlock, two daughters namely Jasmeet Kaur and Manpreet Kaur were born on 27.01.2015 and 02.10.2012 respectively. It was alleged that the family of petitioner was not happy with the birth of female children. It was also alleged by her that the petitioner was having extra-marital relations with one lady namely, Harvinder Kaur. At the time of marriage, the petitioner was working in Greece and now they have grown up daughters. The petitioner is admittedly working in Greece and is a citizen of that country. He is able bodied person and being husband of respondent No.1 and father of respondents No.2 and 3 is legally and morally bound to look after the

wife and children. The provisions of Section 125 Cr.P.C. are to prevent the destitution and vagrancy. The wife is entitled to the same living standard which she was enjoying before the separation from his husband.

Keeping in view the facts and circumstances of the case on the anvil of the law settled, this Court finds no infirmity in the view taken by the Court below. Hence, the petition being devoid of any merits is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

05.09.2022
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No