

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 114

CRR(F)-563-2022 (O&M)

Date of decision : 07.07.2022

Savita and another

..... Petitioners

VERSUS

Ved Parkash Sharma

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Nitin Sachdeva, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

Through the present petition the petitioners challenge order dated 07.04.2022 passed by the Additional Principal Judge, Family Court, Yamuna Nagar at Jagadhri (for short, the Trial Court) through which in the proceedings initiated by the petitioners under Section 125 Cr.P.C. their prayer for the grant of interim maintenance has been rejected.

The case set up by the petitioners before the Trial Court was that on 07.02.2010 petitioner No.1 and the respondent got married at Panchkula; it was their second marriage; at the time of their marriage petitioner No.1 was having a daughter namely Alisha (petitioner No.2) from her first marriage; petitioner No.2 was adopted by the respondent; it was assured by him that he shall maintain her; parents of petitioner No.1 had spent a huge amount on her marriage with the respondent; the petitioners were incapable and incapacitated to earn their livelihood; they were living at the mercy of God; petitioner No.1 was working as a Teacher whereas the respondent was retired from the defence services as also from the Education Department; he was drawing a handsome pension from both departments; the respondent was also receiving rent from commercial and residential properties; he was also in the financing business; his monthly earnings were over Rs.3,50,000/- and since he was duty bound to maintain the petitioners who had no source of income directions were sought to be issued to pay Rs.75,000/- per month to each of the petitioners alongwith litigation

expenses.

On being put to notice the respondent stated that petitioner No.1 was employed as a Lecturer in SNV Government Senior Secondary School, Model Town, Yamuna Nagar and in such capacity was drawing a monthly salary of Rs.80,000/-; petitioner No.2 was a major, who had completed her studies in B.Tech (Computer Science); petitioner No.2 was professionally qualified; she was not his daughter; both the petitioners were living in a well furnished apartment in Jagadhari; the respondent had got transferred a house in the name of petitioner No.1 and had also gifted her jewellery worth Rs.12 lakhs; it was denied that he was receiving any rent but admitted receipt of pension @ Rs.45,000/- per month.

The Trial Court after sifting the evidence on record rejected the petitioners' claim for interim maintenance. Such rejection is under challenge through the instant petition.

Learned counsel for the petitioners submits that the Trial Court has erred in rejecting the petitioners' prayer for interim maintenance; crucial evidence on record had been ignored; the respondent was not only receiving pension from the Education Department, Government of Haryana but also from the Ministry of Defence, Government of India; he was also earning handsomely from the over 55 kanals of land that he owned and possessed in village Chhachhrauli, Yamuna Nagar; even if petitioner No.2 was B.Tech (Computer Science) and was a major, it was the duty of the respondent to maintain her and that no property had been transferred by the respondent in petitioner No.1's name as the property so referred to by the respondent had been purchased by petitioner No.1 from the father of the respondent in the year 2009 i.e. before she had got married to the respondent.

Seeking maintenance from the respondent the petitioners had stated in their application that they were incapable and incapacitated to earn any livelihood as also that they were living at the mercy of God. However, the Trial Court has found that petitioner No.1 is employed as a Lecturer in SNV Government Senior Secondary

School, Model Town, Yamuna Nagar and in such capacity is receiving a monthly salary of over Rs.62,000/-. Such fact is admitted and acknowledged before this Court.

It is further not disputed before this Court that petitioner No.1 owns a built up three storey residential property in Chhachhrauli, District Yamuna Nagar as also is a joint owner in possession (alongwith petitioner No.2) of a well furnished apartment in Jagadhari.

Admittedly, petitioner No.2 is 25 years of age. Thus, she is a major. She is also B.Tech (Computer Science) which is a professional qualification. The record further reveals that both the petitioners are living in a well furnished apartment in Jagadhari.

In view of the above, denial of interim maintenance by the Trial Court to the petitioners warrants no interference.

Dismissed.

07.07.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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