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

CRR(F)-576-2022(O&M)

Date of Decision: July 12, 2022

Sahab Singh

.....Petitioner

Versus

Rajwinder Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.K.S.Brar, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

This revision petition has been filed by the petitioner-husband impugning the order dated 13.05.2022 vide which the interim maintenance of Rs.3,000/- per month has been granted to the respondent-wife. The Court has also directed the petitioner to pay Rs.4,000/- as litigation expenses to the respondent-wife.

Counsel for the petitioner contends that marriage of the petitioner and the respondent took place on 03.11.2018 as per Sikh rites. Out of the wedlock, two children were also born. He submits that both the children are living with the petitioner. He submits that soon after the marriage, the respondent-wife started misbehaving with the petitioner and started quarrelling on petty issues. Despite best efforts of the petitioner, she did not mend her ways and thus, deserted the matrimonial home of her own free will. She left both the children at matrimonial home and started living alone separately. The petitioner made best efforts to settle the dispute with the respondent-wife, however, she remained adamant in not joining the matrimonial home. He further argued that the respondent-wife is living in adultery with some another person. He has submitted that from all sources, the income of the petitioner is Rs.20,000/- per month out of which he has to look after his both the children and parents. He submits that in view of the provisions of Section 125 Cr.P.C., as the respondent has left the matrimonial

home of her own sweet will and she is living in adultery, she is not entitled for the maintenance, as awarded by the Family Court and hence, the impugned order deserves to be set aside.

Heard.

Relationship between the petitioner-husband and the respondent-wife is admitted. The precise submission made by counsel for the petitioner is that respondent-wife is not entitled for the ad interim maintenance as awarded by the Family Court. The petitioner is an able-bodied person and has an income of Rs.20,000/- per month. It has been time and again held by the Hon'ble Supreme Court that the husband is not only legally but morally bound to look after his wife and children. The contentions of the petitioner that respondent-wife left the matrimonial home of her own will and she is living in adultery, are purely the matter of evidences. However, the petitioner cannot be absolved from his responsibility of looking after his wife.

In view of the facts and circumstances, the Family Court has awarded the ad interim maintenance of Rs.3,000/- per month. This Court does not find any infirmity in the view taken by the learned Family Court.

Resultantly, the petition being devoid of any merit is hereby dismissed.

July 12, 2022

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No