

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

(113)

CRR(F)-589-2022 (O&M)

Date of decision: 14.07.2022

Neha **...Petitioner**

Versus

Lovish Watts **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

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SUVIR SEHGAL, J. (Oral)

Wife-respondent is before this Court challenging order dated 12.04.2022 passed by the Family Court, Fazilka, whereby, she has been granted Rs.5,000/- per month from the date of the application as interim maintenance under Section 125 of the Code of Criminal Procedure, 1973 (for short "the Code"), besides, litigation expenses of Rs.4,000/-.

Facts, leading to the filing of the petition are that the marriage of the petitioner was solemnized with the respondent on 21.11.2019 at Fazilka. Despite the fact that expensive household items, gold and silver jewellery were given as Istridhan, respondent and his family members were not satisfied and started raising a demand of cash of Rs.5 lakh. She was physically tortured and turned out of the matrimonial home. Attempts made to rehabilitate her, were of no avail. She has lodged an FIR under Sections 406

and 498-A, IPC. She has invoked Section 125 of the Code averring that she has no source of income and is unable to maintain herself, whereas the respondent is employed as clerk in the Judicial Courts at Fazilka and is earning Rs.40,000/- per month. Disputing the averments, respondent contested the petition by submitting that the petitioner is a post-graduate, she has qualified TET Examination and is earning Rs.15,000/- per month from private tuitions.

After considering the arguments and the affidavits filed by the parties in compliance of the directions passed by the Supreme Court in ***Rajnesh Versus Neha and another, (2021) 2 SCC 324***, Family Court vide the impugned order has awarded interim monthly maintenance, noticed above, to the petitioner.

Heard counsel for the petitioner.

Vide the order under challenge, it has been held that although as per her affidavit, Annexure P-1, wife-petitioner is earning Rs.2000/- per month, but that does not disentitle her to claim maintenance. Placing reliance upon the judgment of the ***Supreme Court in Manish Jain Versus Akansha Jain (2017) 15 SCC 801***, Family Court has rejected the argument of the respondent that the petitioner is educated and in a position to earn and maintain herself. On the basis of the affidavit filed by the husband-respondent, wherein, he has deposed that his monthly salary is Rs.21,776/-, Family Court has held that it is the moral, pious and legal responsibility of the husband to maintain his wife so that she is not forced to lead a life of vagrancy and destitution and can enjoy the same status as she has had at her matrimonial home. Nothing has been brought on the record by the petitioner

despite of grant of an opportunity, nor could be referred to during the course of the arguments to show that the respondent is earning over and above what has been stated by him in his affidavit. It deserves to be noticed that in her affidavit, Annexure P-1, the petitioner has claimed her monthly expenditure to be Rs.5,000/- and, therefore, the award of the said amount to her by the Family Court cannot be faulted with. There is no illegality or impropriety in the order passed by the Trial Court. Finding no merit in the petition, it is hereby dismissed.

As an abundant caution, it is clarified that anything said hereinabove shall not be construed to be an expression on the merits of the main petition filed by the petitioner under Section 125 of the Code, which shall be decided by the Family Court on its own merit.

(SUVIR SEHGAL)
JUDGE

14.07.2022
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes